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11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

14 DIGITAL ENVOY, INC.,

15 Plaintiff/Counterdefendant,

16 v.

17 GOOGLE, INC.,

18 Defendant/Counterclaimant.

Case No. C 04 01497 RS

**NOTICE OF CONTINUANCE OF  
 HEARING ON DIGITAL ENVOY'S  
 MOTION FOR PARTIAL SUMMARY  
 JUDGMENT ON CONTRACT ISSUES  
 AND MOTION FOR NEW PROTECTIVE  
 ORDER**

[Civil L.R. 7-7(a)]

**Date: August 31, 2005**  
**Time: 9:30 a.m.**  
**Courtroom: 4, 5th Floor**

**The Honorable Richard Seeborg**

1 PLEASE TAKE NOTICE THAT pursuant to Civil L.R. 7-7(a) the hearings on Digital  
2 Envoy, Inc.'s ("Digital Envoy") Motion for Partial Summary Judgment on Contract Issues and  
3 Motion for New Protective Order have been continued to August 31, 2005, at 9:30 a.m. or as soon  
4 thereafter as it may be heard, in Courtroom 4, 5th Floor, of the United States District Court,  
5 Northern District of California, located at 280 South 1st Street, San Jose, California 95113.

6 At this hearing, Digital Envoy will move and hereby does move for entry of Partial  
7 Summary Judgment solely on the issue of contract interpretation and Google, Inc.'s ("Google")  
8 violation of the contract between Digital Envoy and Google. Digital Envoy makes its Motion for  
9 Partial Summary Judgment on the grounds that there are no remaining triable issues of fact with  
10 respect to the Breach of Contract claim, and that Digital Envoy is entitled to judgment as a matter  
11 of law on that claim. Digital Envoy's Motion for Partial Summary Judgment is supported by the  
12 previously filed memorandum, the declarations of Sam S. Han and attached exhibits, and any  
13 other matters properly before the Court.

14 At this hearing, Digital Envoy will also move and hereby does move, pursuant to Fed. R.  
15 Civ. P. 26(b)(2), (c), and 42(b), for entry of a new protective order regarding confidentiality in this  
16 case. This new protective order would prohibit the parties' in-house counsel from viewing  
17 documents determined to contain "extremely confidential competitive information." Digital  
18 Envoy's Motion for New Protective Order is supported by the previously filed memorandum, the  
19 declarations of John A. Lockett, III and Robert Friedman, the argument of counsel and any other  
20 matters properly before the Court.

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DATED: July 14, 2005

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By \_\_\_\_\_ /s/ Brian Blackman  
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