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10 Attorneys for DIGITAL ENVOY, INC.

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

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND THE TIME TO  
 FILE OPPOSITION AND REPLY  
 PAPERS FOR GOOGLE'S MOTION FOR  
 PARTIAL SUMMARY JUDGMENT**

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 21 Digital Envoy, Inc. ("Digital Envoy") and Google, Inc. ("Google") submit, through their  
 22 counsel of record, this stipulation to extend the time to file their opposition to Google's Motion for  
 23 Partial Summary Judgment Regarding Digital Envoy's Damages Claims, set for hearing on  
 24 September 21, 2005 ("Google's Motion" or "Motion").

25 1. Google filed its Motion on August 17, 2005. Digital Envoy's opposition papers to  
 26 Google's Motion are currently due on August 31, 2005, and Google's reply papers are due on  
 27 September 7, 2005;

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1           2.       As of August 30, 2005, Digital Envoy's counsel is experiencing a firm-wide  
2 computer network shutdown due to a computer virus. The network shutdown has prevented  
3 access to the Internet and research services, access to stored documents on the network system,  
4 and the ability to send and receive email attachments or email messages, and has therefore  
5 significantly hindered counsel's ability to finalize and prepare Digital Envoy's opposition to  
6 Google's Motion.

7           3.       The parties have agreed to grant Digital Envoy a one-day extension to file its  
8 opposition brief and grant Google a one-day extension to file its reply brief. Under this schedule,  
9 opposition papers are due for filing and service on or before September 1, 2005 and reply papers  
10 are due for filing and service on or before September 8, 2005.

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12           IT IS SO STIPULATED.

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14           DATED: August 30, 2005

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By                     /s/ P. Craig Cardon          

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Attorneys for DIGITAL ENVOY, INC.

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1 DATED: August 30, 2005

2 WILSON SONSINI GOODRICH & ROSATI PC

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4 By \_\_\_\_\_ /s/ David H. Kramer

5 DAVID H. KRAMER  
6 STEPHEN C. HOLMES  
7 Attorneys for GOOGLE, INC.

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8 **ORDER**

9 Based on the parties' stipulation and good cause appearing, IT IS ORDERED THAT:

10 1. Digital Envoy's opposition to Google's Motion for Partial Summary Judgment  
11 Regarding Digital Envoy's Damages Claims shall be due on September 1, 2005.

12 2. Google's Reply in Support of its Motion for Partial Summary Judgment Regarding  
13 Digital Envoy's Damages Claims shall be due on September 8, 2005.

14 IT IS SO ORDERED.

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16 DATED: \_\_\_\_\_, 2005

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20 RICHARD SEEBORG  
21 Magistrate Judge, United States District Court

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