

1 P. CRAIG CARDON, Cal. Bar No. 168646
BRIAN R. BLACKMAN, Cal. Bar No. 196996
2 KENDALL M. BURTON, Cal. Bar No. 228720
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
3 Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4106
4 Telephone: 415-434-9100
Facsimile: 415-434-3947

E-FILED 8/31/05

5
6 TIMOTHY H. KRATZ (Admitted *Pro Hac Vice*)
LUKE ANDERSON (Admitted *Pro Hac Vice*)
7 MCGUIRE WOODS, L.L.P.
1170 Peachtree Street, N.E., Suite 2100
8 Atlanta, Georgia 30309
Telephone: 404.443.5500
9 Facsimile: 404.443.5751

10 Attorneys for DIGITAL ENVOY, INC.

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

14 DIGITAL ENVOY, INC.,	Case No. C 04 01497 RS
15 Plaintiff/Counterdefendant,	STIPULATION AND PROPOSED ORDER TO EXTEND THE TIME TO FILE OPPOSITION AND REPLY PAPERS FOR GOOGLE'S MOTION FOR PARTIAL SUMMARY JUDGMENT
16 v.	
17 GOOGLE, INC.,	
18 Defendant/Counterclaimant.	
19	

20
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;

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.

11
12 IT IS SO STIPULATED.

13
14 DATED: August 30, 2005

15 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

16
17 By /s/ P. Craig Cardon

18 P. CRAIG CARDON
19 BRIAN R. BLACKMAN
20 KENDALL M. BURTON

21 TIMOTHY H. KRATZ (Admitted *Pro Hac Vice*)
22 MCGUIRE WOODS, L.L.P.
23 1170 Peachtree Street, N.E., Suite 2100
24 Atlanta, Georgia 30309
25 Telephone: 404.443.5706
26 Facsimile: 404.443.5751

27 Attorneys for DIGITAL ENVOY, INC.
28

1 DATED: August 30, 2005

2 WILSON SONSINI GOODRICH & ROSATI PC

3
4 By /s/ David H. Kramer

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

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.

15
16 DATED: 8/31, 2005

17
18 /s/ Richard Seeborg

19 RICHARD SEEBORG
20 Magistrate Judge, United States District Court