

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  
 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.,  
 15 Plaintiff/Counter defendant,  
 16 v.  
 17 GOOGLE, INC.,  
 18 Defendant/Counterclaimant.  
 19

Case No. C 04 01497 RS

**[PROPOSED] ORDER GRANTING  
 PLAINTIFF DIGITAL ENVOY'S  
 MOTION FOR LEAVE TO FILE  
 MOTION PURSUANT TO FEDERAL  
 RULE FOR CIVIL PROCEDURE 56(F)**

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1 Having considered Plaintiff Digital Envoy's Miscellaneous Motion for Leave to File a  
2 Motion Pursuant to Federal Rule of Civil Procedure 56(f), and GOOD CAUSE appearing, the  
3 Court HEREBY ORDERS that:

4 1. Digital Envoy may files its Motion Pursuant to Federal Rule of Civil Procedure  
5 56(f);

6 2. The hearing on Digital Envoy's Motion Pursuant to Rule 56(f) shall be set for  
7 September 21, 2005; and

8 3. Any opposition to Digital Envoy's Motion Pursuant to Federal Rule of Civil  
9 Procedure 56(f) shall be filed and served no later than \_\_\_\_\_, 2005.

10 DATED: \_\_\_\_\_, 2005

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By \_\_\_\_\_  
The Honorable Richard Seeborg  
United States Magistrate Judge