

# ATTACHMENT

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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.

Case No. C 04 01497 RS

**[PROPOSED] ORDER GRANTING  
DIGITAL ENVOY, INC.'S MOTION FOR  
LEAVE TO FILE THE SUPPLEMENTAL  
DECLARATION OF ROBERT J.  
WADDELL, JR. IN OPPOSITION TO  
GOOGLE INC.'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
REGARDING DIGITAL ENVOY, INC.'S  
DAMAGES CLAIMS**

**Date: September 21, 2005  
Time: 9:30 a.m.  
Courtroom: 4, 5th Floor**

**The Honorable Richard Seeborg**

1 Having considered Plaintiff Digital Envoy, Inc.'s ("Digital Envoy") Motion for Leave to  
2 File the Supplemental Declaration of Robert J. Waddell, Jr. in Opposition to Google's Motion for  
3 Partial Summary Judgment regarding Digital Envoy's Damages Claim, attaching as **Exhibit A**  
4 thereto an Excerpt from the Deposition Transcript of Robert B. Friedman, lodged with the Court  
5 on September 19, 2005, the Court **HEREBY ORDERS** that:

6 1. Digital Envoy may file the Supplemental Declaration of Robert J. Waddell, Jr. in  
7 Opposition to Google's Motion for Partial Summary Judgment regarding Digital Envoy's Damages  
8 Claim, attaching as **Exhibit A** thereto an Excerpt from the Deposition Transcript of Robert B.  
9 Friedman.

10 **IT IS SO ORDERED.**

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12 DATED: \_\_\_\_\_, 2005  
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15 By

\_\_\_\_\_  
16 The Honorable Richard Seeborg  
17 United States Magistrate Judge  
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