



650 Page Mill Road
Palo Alto, CA 94304-1050
PHONE 650.493.9300
FAX 650.493.6811
www.wsgr.com

September 21, 2005

Via E-Filing and Facsimile

The Honorable Joseph C. Spero
U.S. District Court
Northern District of California
450 Golden Gate Ave., 15th Floor
San Francisco, CA 94102

Re: *Google Inc. v. Digital Envoy, Inc.*
No. C-04-1497 RS (JCS)

Dear Magistrate Spero:

I write to request a continuance of the Settlement Conference in the above-referenced litigation, which is currently scheduled for October 12, 2005, to **November 17, 2005**.

When the parties initially scheduled the Conference, they anticipated that the Court would rule prior to the Conference on Google's pending motion for partial summary judgment on Digital Envoy's damage claims. At today's hearing, however, Judge Seeborg requested supplemental briefing, the final installment of which is due on October 12, 2005. Accordingly, the motion will not be resolved by the date of the Settlement Conference.

The court's ruling on Google's pending motion will necessarily impact the parties' settlement positions. Accordingly, the parties believe it would be prudent to postpone the settlement conference until November 17, 2005 to allow the Court time to rule on Google's motion.

Counsel for Digital Envoy agrees to a continuance. The continuance will not impact the trial date, which is currently scheduled for April 3, 2006.

Respectfully,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

/s/ David L. Lanksy
David L. Lanksy