



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

November 3, 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 November 17, 2005, to **December 13, 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. The Court has yet to rule, and no ruling is likely prior to the November 3, 2005 due date for the parties' Settlement Conference Statements.

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 December 13, 2005 to allow the Court time to rule on Google's motion.

Counsel for Digital Envoy agrees to the 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. Lansky
David L. Lansky