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November 28, 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, currently scheduled for December 13, 2005, to the next available date on the Court's schedule.

When the parties initially scheduled the Conference, they anticipated that the Court would rule prior to the Conference on Google's then-pending motion for partial summary judgment on Digital Envoy's damage claims. Although the Court has now ruled on Google's motion, on November 22, 2005 the Court granted Google leave to file a motion for reconsideration of a key portion of its Order.

Resolution of the motion for reconsideration in Google's favor would preclude Digital Envoy from obtaining any monetary recovery from Google. The resolution of the motion will thus necessarily impact the parties' settlement positions. Accordingly, the parties believe it would be prudent to postpone the settlement to allow the Court time to rule on Google's motion.¹

¹ Per the Court's Order granting Google's request for leave to file a motion for reconsideration, the briefing on the motion for reconsideration will be complete on December 9, 2005, after which time the motion will be deemed submitted.

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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

Dated: December 1, 2005

