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 Digital Envoy, Inc.

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN JOSE DIVISION

21	DIGITAL ENVOY, INC.,)	CASE NO.: C 04 01497 RS
22)	
23	Plaintiff/Counterdefendant,)	STIPULATION AND [PROPOSED]
)	ORDER RE: AMENDING
24	v.)	SCHEDULING ORDER
)	
25	GOOGLE INC.,)	
)	
26	Defendant/Counterclaimant.)	
)	
27)	

1 Google Inc. (“Google”) and Digital Envoy, Inc. (“Digital Envoy”) submit, through their
2 counsel of record, this stipulation and proposed order to amend the Case Scheduling Order
3 entered by the Court on this matter on August 27, 2004, and amended by Orders of the Court on
4 October 21, 2005 and December 5, 2005.

5 In light of the resolution of Digital Envoy’s claims in the action and the pendency of
6 Google’s counterclaims, the parties propose these amendments to the Scheduling Order in the
7 interests of efficiency and economy:

8 1. EXPERT WITNESSES. The disclosure and discovery of expert witness opinions
9 shall proceed as follows:

- 10 a. On or before **April 28, 2006**, defendant shall disclose expert testimony and
11 reports in accordance with Rule 26(a)(2), F.R. Civ. P.
12 b. On or before **May 29, 2006**, plaintiff shall disclose expert testimony and
13 reports in accordance with Rule 26(a)(2), F.R. Civ. P.
14 c. On or before **June 23, 2006**, all discovery of expert witnesses pursuant to
15 Rule 26(b)(4), F.R. Civ. P. shall be completed.

16 2. PRETRIAL MOTIONS. All pretrial motions must be filed and served pursuant to
17 Civil Local Rule 7. All pretrial motions shall be heard no later than **August 16, 2006**.

18 3. PRETRIAL STATEMENTS. At a time convenient to both, counsel shall meet
19 and confer to discuss preparation of joint pretrial statement and on or before **September 6, 2006**,
20 counsel shall file a Joint Pretrial Statement in accordance with the Court’s Standing Order re:
21 Pretrial Preparation.

22 4. PRETRIAL CONFERENCE. The final conference will be held on
23 _____. Each party or lead counsel who will try the case shall attend personally.
24 Counsel shall comply with the Court’s Standing Order re: Pretrial Preparation.

25 5. TRIAL DATE. Jury trial shall commence on _____.

26 In all other respects, the Scheduling Order remains in full force and effect. Nothing
27 contained in the parties’ stipulation shall operate to re-open fact discovery or extend the period
28

1 for fact discovery. Nothing in the stipulation shall prohibit any party from seeking to amend this
2 or any subsequent Scheduling Order it is believes that such relief is warranted.

3
4 Dated: February 15, 2006

MCGUIRE WOODS, LLP

5
6 By: /s/ Timothy H. Kratz
Timothy H. Kratz

7 Attorneys for Plaintiff and Counterdefendant
8 DIGITAL ENVOY, INC.

9
10 Dated: February 15, 2006

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

11
12 By: /s/ David H. Kramer
David H. Kramer

13 Attorneys for Defendant and Counterclaimant
14 GOOGLE INC.

15
16
17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19
20 Dated: _____, 2006

21 HONORABLE RICHARD SEEBORG
22 UNITED STATES DISTRICT JUDGE

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CERTIFICATION

I, David H. Kramer, am the ECF User whose identification and password are being used to file the **STIPULATION AND [PROPOSED] ORDER RE: AMENDING SCHEDULING ORDER**. In compliance with General Order 45.X.B, I hereby attest that all parties have concurred in this filing.

DATED: February 16, 2006

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ David H. Kramer
David H. Kramer

Attorneys for Defendant / Counterclaimant
GOOGLE INC.