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 6 Google Inc.

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN JOSE DIVISION

11 DIGITAL ENVOY, INC.,)
 12)
 Plaintiff/Counterdefendant,)
 13)
 v.)
 14)
 GOOGLE INC.,)
 15)
 Defendant/Counterclaimant.)
 16)
 17)
 18)

CASE NO.: C 04 01497 RS
**GOOGLE INC.'S STATEMENT OF
 NONOPPOSITION TO DIGITAL
 ENVOY'S MOTION FOR LEAVE
 TO AMEND COMPLAINT AND
 RELIEF FROM CASE
 MANAGEMENT SCHEDULE**
 Judge: Hon. Richard Seeborg
 Courtroom: 4, 5th Floor
 Date: October 6, 2004
 Time: 9:30 a.m.

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1 Google Inc. ("Google") responds, pursuant to Local Rule 7-3(b), that it does not oppose
2 Digital Envoy's motion for leave to amend the complaint. In so doing, Google notes its strong
3 disagreement with the factual and legal contentions set forth in Digital Envoy's motion for leave
4 to amend and supporting papers. Google's decision not to oppose Digital Envoy's motion for
5 leave to amend is not, and should be construed as, an admission that the proposed amended
6 complaint states a claim for which relief may be granted, states a valid cause of action or
7 otherwise has any merit. Google specifically reserves the right to move to dismiss and/or seek
8 summary judgment on any of Digital Envoy's claims by separate motion at a later date.

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Respectfully Submitted:

Dated: September 15, 2004

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Stephen C. Holmes
Stephen C. Holmes

Attorneys for Defendant/Counterclaimant
Google Inc.