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

22	DIGITAL ENVOY, INC.,	)	CASE NO.: C 04 01497 RS
		)	
23	Plaintiff/Counterdefendant,	)	<b>STIPULATION AND [PROPOSED]</b>
		)	<b>ORDER OF DISMISSAL WITH</b>
24	v.	)	<b>PREJUDICE</b>
		)	
25	GOOGLE INC.,	)	
		)	
26	Defendant/Counterclaimant.	)	
		)	
27		)	
		)	

1 Plaintiff/counterdefendant Digital Envoy, Inc. ("Digital Envoy") and defendant/  
2 counterclaimant Google Inc. ("Google") hereby stipulate, pursuant to Fed. R. Civ. P. 41(a)(1) and  
3 41(c), as follows:

- 4 (1) Digital Envoy's claims against Google are dismissed with prejudice;
- 5 (2) Google's counterclaims against Digital Envoy are dismissed with prejudice;
- 6 (3) Each party bears its own costs and fees; and
- 7 (4) Each party hereby waives its right of appeal.

8  
9 Dated: April 24, 2006

MCGUIREWOODS LLP

10 By: /s/ Timothy H. Kratz  
11 Timothy H. Kratz

12 Attorneys for Plaintiff and Counterdefendant  
13 DIGITAL ENVOY, INC.

14  
15 Dated: April 24, 2006

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

17 By: /s/ David L. Lansky  
18 David L. Lansky

19 Attorneys for Defendant and Counterclaimant  
GOOGLE INC.

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21  
22 **ORDER**

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24  
25 Dated: \_\_\_\_\_, 2006

26 HONORABLE RICHARD SEEBORG  
27 UNITED STATES DISTRICT JUDGE

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**CERTIFICATION**

I, David L. Lansky, am the ECF User whose identification and password are being used to file the **STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE**. In compliance with General Order 45.X.B, I hereby attest that all parties have concurred in this filing.

DATED: April 24, 2006

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:           /s/ David L. Lansky            
David L. Lansky

Attorneys for Defendant / Counterclaimant  
GOOGLE INC.