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19 Digital Envoy, Inc.

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN JOSE DIVISION

23 DIGITAL ENVOY, INC.,)
24)
25 Plaintiff/Counterdefendant,)
26)
27 v.)
28)
29 GOOGLE INC.,)
30)
31 Defendant/Counterclaimant.)
32)
33)

CASE NO.: C 04 01497 RS
**STIPULATION AND [PROPOSED]
ORDER AMENDING SCHEDULING
ORDER REGARDING THE
MEDIATION DATE**

34 The parties previously stipulated to participate in a private ADR process. Paragraph 1 of
35 the Court’s Scheduling Order dated August 27, 2004 states that the mediation is “to be
36 completed by December 15, 2004, if possible.” To accommodate the availabilities of the
37 mediator, the parties and their counsel, the date for the mediation through Judicial Arbitration &
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1 Mediation Services (“JAMS”) has been fixed for February 10, 2005. The parties also wish to
2 allow a few extra days, if necessary, to complete the mediation pursuant to the Scheduling Order.

3 Accordingly, the parties respectfully request that paragraph 1 of the Court’s Scheduling
4 Order be amended to read February 25, 2005, instead of December 15, 2004.

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7 Dated: December 14, 2004

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By: /s/ David H. Kramer
David H. Kramer
Attorneys for Google Inc.

14 Dated: December 14, 2004

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By: /s/ P. Craig Cardon
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Attorneys for Digital Envoy, Inc.

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SO ORDERED.

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23 DATED: 12/15/04

 /s/ Richard Seeborg
Honorable Richard Seeborg
United States Magistrate Judge

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CERTIFICATION

I, Stephen C. Holmes, am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Order Selecting ADR Process. In compliance with General Order 45.X.B, I hereby attest that both parties have concurred in this filing.

DATED: December 14, 2004

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Stephen C. Holmes
Stephen C. Holmes
Attorneys for Google Inc