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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

14 DIGITAL ENVOY, INC.,
 15 Plaintiff/Counter defendant,
 16 v.
 17 GOOGLE, INC.,
 18 Defendant/Counterclaimant.

Case No. C 04 01497 RS

**DIGITAL ENVOY INC.'S STATEMENT
 OF NON-OPPOSITION TO GOOGLE
 INC.'S MOTION FOR LEAVE TO
 AMEND ITS COUNTERCLAIMS.**

Honorable Richard Seeborg

Courtroom: 4, 5th Floor
Date: February 9, 2005
Time: 9:30 a.m.

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 23 Digital Envoy Inc. ("Digital Envoy") responds pursuant to Local Rule 7-3(b), that it does
 24 not oppose Goggle Inc.'s motion for leave to amend its counterclaims. Digital Envoy disagrees
 25 with the factual and legal contentions stated in Goggle's Motion for Leave to Amend and
 26 supporting papers. Digital Envoy's non-opposition should not be construed as and is no way
 27 intended to be an admission that the amended counterclaims state a claim for which relief may be
 28

1 granted or otherwise have any merit. Digital Envoy reserves all of its rights in responding to and
2 taking action against Goggle's counterclaims by separate action at a later date.

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4 DATED: January 20, 2005

5 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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7 By _____ /s/
8 P. CRAIG CARDON
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