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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.)

CASE NO.: C 04 01497 RS
**[PROPOSED] ORDER GRANTING
 GOOGLE INC.'S MOTION FOR
 PARTIAL SUMMARY JUDGMENT
 ON COUNTS II, III, IV AND V OF
 THE AMENDED COMPLAINT**

Date: March 16, 2005
 Time: 9:30 a.m.
 Courtroom: 4, 5th Floor
 Judge: Hon. Richard Seeborg

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1 Defendant and counterclaimant Google Inc.'s ("Google") Motion for Partial Summary
2 Judgment on Counts II, III, IV and V of the Amended Complaint came for hearing before this
3 Court on March 16, 2005.

4 After consideration of the papers filed in connection with the motion, the argument of
5 counsel, and all other matters presented to the Court, and good cause appearing therefor,

6 IT IS HEREBY ORDERED THAT:

7 Google Inc.'s Motion for Partial Summary Judgment on Counts II, III, IV and V of the
8 Amended Complaint is **GRANTED**.

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11 Dated: _____, 2005

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13 _____
14 Honorable Richard Seeborg
15 United States District Magistrate Judge
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