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17 Forgent Networks, Inc. and General Instrument Corp.

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

21 GOOGLE, INC., a Delaware Corporation,

22 Plaintiff,

23 v.

24 COMPRESSION LABS, INC., a Delaware
25 corporation; FORGENT NETWORKS, INC., a
26 Delaware corporation; and GENERAL
27 INSTRUMENTS [sic] CORPORATION, a
28 Delaware corporation,
29 Defendants.

Case No. C04 03934 CW

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS**

Date: November 19, 2004
Time: 10:00 a.m.
Court: Honorable Claudia Wilken

30 Defendants in this case have moved to dismiss or, in the alternative, to transfer. Having
31 fully considered all pleadings, materials, and oral argument provided in support of and in opposition
32 to the motion, and the relevant facts and law, the Court GRANTS the motion for the following
33 separate, independent reasons.

1 1. Subject matter jurisdiction does not exist as to defendants Forgent Networks, Inc.
2 and General Instrument Corporation; the Court dismisses the action against them with prejudice
3 under Federal Rule of Civil Procedure 12(b)(1).

4 2. Personal jurisdiction does not exist over any defendant, and the Court dismisses the
5 action with prejudice on that basis under Federal Rule of Civil Procedure 12(b)(2).

6 3. The Court dismisses the dismissed with prejudice in favor of first-filed cases in the
7 United States District Court for the Eastern District of Texas.

8
9 **SO ORDERED.**

10
11 Date: _____

_____ Honorable Claudia Wilken