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 GOOGLE, INC.
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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 CLICK DEFENSE INC., a Colorado
 corporation, individually and on behalf of all
 12 others similarly situated,

13 Plaintiffs,

14 v.

15 GOOGLE, INC., a Delaware corporation, and
 16 DOES 1 through 100, inclusive,

17 Defendants.

Case No. C 05 02579 RMW

[PROPOSED] ORDER

Date: January 13, 2006
 Time: 9:00 a.m.
 Judge: Hon. Ronald M. Whyte

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1 On January 13, 2006, the Court heard plaintiff Click Defense, Inc’s (“Click Defense”)
2 Motion for leave to (1) withdraw as representative plaintiff of the putative class; (2)
3 “discontinue” its individual claims against defendant Google, Inc. (“Google”) without prejudice;
4 (3) substitute Advanced Internet Technologies, Inc. (“AIT”) for Click Defense as representative
5 plaintiff of the putative class; and (4) amend the caption accordingly. Having considered the
6 parties’ arguments and submissions, the Court orders as follows:

7 1. The Court construes Click Defense’s moving papers, including the Declaration of
8 Clarence E. Briggs, AIT’s founder and Chief Executive Officer, as a motion by AIT to intervene
9 as putative class representative under Fed. R. Civ. P. 24, and a corresponding motion by Click
10 Defense to dismiss its action under Fed. R. Civ. P. 41(a)(2).

11 2. The Court GRANTS both motions, and further ORDERS that:

12 a. Neither Click Defense, AIT, nor their counsel shall seek to further change
13 the class representatives in this action, or any action consolidated with this one, except upon a
14 showing of good cause. The showing shall be based upon developments after the date of this
15 Order, or upon facts that are not known by Click Defense, AIT, or their counsel as of the date of
16 this Order and could not have been known by them in the exercise of reasonable diligence.

17 b. As a condition of dismissing its action, Click Defense shall respond to
18 reasonable discovery requests propounded by Google in this litigation. Such discovery shall
19 include producing documents, producing a witness or witnesses for one seven-hour deposition on
20 topics designated by Google, and such other discovery as the Court may Order. This Court shall
21 retain jurisdiction over any disputes relating to discovery from Click Defense, and as a further
22 condition of dismissing its action, Click Defense consents to litigate any such disputes in this
23 Court.

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3. The caption in this matter shall be amended consistent with this Order.

IT IS SO ORDERED.

Dated:

By: _____
RONALD M. WHYTE
United States District Judge