

1 KEKER & VAN NEST, LLP
 DARALYN J. DURIE - #169825
 2 DAVID J. SILBERT - #173128
 710 Sansome Street
 3 San Francisco, CA 94111-1704
 Telephone: (415) 391-5400
 4 Facsimile: (415) 397-7188
 Email: ddurie@kvn.com
 5 dsilbert@kvn.com
 Attorneys for Defendant GOOGLE, INC.

KABATECK BROWN & KELLNER LLC
 RICHARD L. KELLNER - #171416
 350 South Grand Avenue, 39th Floor
 Los Angeles, CA 90071-3801
 Telephone: (213) 217-5000
 Facsimile: (213) 217-5010
 Email: rlk@kbklawyers.com
 Attorneys for Plaintiffs
 ADVANCED INTERNET
 TECHNOLOGIES, INC. and STEVE
 MIZERA

6
 7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

11 ADVANCED INTERNET TECHNOLOGIES,
 12 INC., a North Carolina corporation,
 13 Individually and on behalf of all others
 similarly situated,

14 Plaintiffs,

15 v.

16 GOOGLE, INC., a Delaware corporation, and
 17 DOES 1 through 100, Inclusive,

18 Defendants.

19 STEVE MIZERA, an Individual, individually
 and on behalf of all others similarly situated,

20 Plaintiff,

21 v.

22 GOOGLE, INC., a Delaware corporation; and
 23 DOES 1 through 100, inclusive,

24 Defendants.

Case No. C 05 02579 RMW

Consolidated with
Case No. C 05 02885 RMW

**STIPULATION AND [PROPOSED]
ORDER DISMISSING ACTION**

Judge: Hon. Ronald M. Whyte

Date Comp. Filed: June 24, 2005

Trial Date: None set

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION

WHEREAS, by Order dated April 5, 2006, this Court stayed these consolidated actions in light of Google’s class-wide settlement in the parallel Arkansas case, Case No. CV-2005-52-1, Circuit Court, Miller County, Arkansas (“the Arkansas action”); and

WHEREAS, by Order dated April 20, 2006, the Arkansas Court preliminarily approved the settlement in the Arkansas action; and

WHEREAS, by Order dated July 27, 2006—a true and correct copy of which is attached hereto as Exhibit A—the Arkansas Court finally approved the settlement in the Arkansas action;

NOW THEREFORE, under Fed. R. Civ. P. 41(a)(1), plaintiff Advanced Internet Technologies, Inc., plaintiff Steve Mizera, and defendant Google, Inc. hereby stipulate that these consolidated actions shall be dismissed with prejudice, with the parties bearing their own costs.

SO STIPULATED.

Dated: November 28, 2006

ADVANCED INTERNET
TECHNOLOGIES, INC.

By: /s/ Richard L. Kellner
RICHARD L. KELLNER
Kabateck Brown & Kellner LLC

Dated: November 28, 2006

STEVE MIZERA

By: /s/ Richard L. Kellner
RICHARD L. KELLNER
Kabateck Brown & Kellner LLC

Dated: November 28, 2006

GOOGLE, INC.

By: /s/ David J. Silbert
DAVID J. SILBERT
Keker & Van Nest, LLC

1 I hereby attest that I have been authorized by Richard Kellner to e-file this document on
2 behalf of plaintiffs Advanced Internet Technologies, Inc. and Steve Mizera.

3
4 Dated: November 28, 2006

5
6 KEKER & VAN NEST, LLP

7
8 By: _____/s/
9 David J. Silbert
10 Counsel for Defendant Google, Inc.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based upon the stipulation of the parties, and good cause appearing, these consolidated actions are hereby DISMISSED with prejudice. The parties shall bear their own fees and costs.

IT IS SO ORDERED.

Dated:

By: _____
Honorable Ronald M. Whyte
United States District Judge