

# EXHIBIT 5

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IN THE SUPERIOR COURT OF WASHINGTON  
FOR KING COUNTY

|                                |   |                            |
|--------------------------------|---|----------------------------|
| MICROSOFT CORPORATION,         | ) |                            |
| a Washington corporation,      | ) |                            |
|                                | ) | No. 05-2-23561-6 SEA       |
| Plaintiff,                     | ) |                            |
|                                | ) |                            |
| vs.                            | ) |                            |
|                                | ) | ORDER APPOINTING DISCOVERY |
| KAI-FU LEE and GOOGLE, INC., a | ) | MASTER                     |
| Delaware corporation,          | ) |                            |
|                                | ) |                            |
| Defendants.                    | ) |                            |

The Court, sua sponte, based on the nature and timing of this matter, finds that a Discovery Master should be appointed pursuant to CR 53.3, now, therefore,

**IT IS HEREBY ORDERED** that Michael Scott<sup>1</sup> be and hereby is appointed as Discovery Master to adjudicate all discovery disputes arising among the parties herein or to make recommendations as to the resolution of such disputes to the court as necessary. The parties to any discovery dispute shall be equally responsible for the costs of the Discovery Master unless otherwise determined by the Discovery Master. The Discovery Master shall bill the parties

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<sup>1</sup> Michael Scott may be contacted at (206) 623-1745. Mail or deliveries may be sent to his business address: 1221 Second Avenue, Suite 500, Seattle, Washington 98101. Mr. Scott is admitted to practice in the State of Washington and is an experienced litigator and discovery master.

1 directly at his regular hourly rate plus expenses, if any. He shall be promptly paid. The parties  
2 shall contact the Discovery Master regarding any discovery disputes and all working papers there  
3 from shall be forwarded to the Discovery Master. The Discovery Master shall provide the Court  
4 with status reports as he deems appropriate.

5 DATED this 29<sup>th</sup> day of July, 2005.

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JUDGE STEVEN GONZALEZ