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8 Attorneys for Defendant
 ST. PAUL MERCURY INSURANCE COMPANY

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

Gordon & Rees LLP
 Embarcadero Center West
 275 Battery Street, Suite 2000
 San Francisco, CA 94111

12 NETSCAPE COMMUNICATIONS)
 CORPORATION, a Delaware corporation;)
 13 and AMERICA ONLINE, INC., a Delaware)
 corporation;)

14 Plaintiffs,

15 v.

16 FEDERAL INSURANCE COMPANY, an)
 Indiana corporation; ST. PAUL MERCURY)
 17 INSURANCE COMPANY, a Minnesota)
 corporation; EXECUTIVE RISK)
 18 SPECIALTY INSURANCE COMPANY; a)
 Connecticut corporation, and DOES 1)
 19 through 50,)

20 Defendants.

CASE NO. . C-06-00198 JW (PVT)

**DEFENDANT ST. PAUL MERCURY
 INSURANCE COMPANY'S
 JOINDER IN MOTION TO DISMISS
 FILED BY DEFENDANTS
 FEDERAL INSURANCE COMPANY
 AND EXECUTIVE RISK
 SPECIALTY INSURANCE
 COMPANY**

Date: February 27, 2006
 Time: 9:00 a.m.
 Judge: Hon. James Ware
 Dept.: Courtroom 8

Complaint Filed: December 12, 2005

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1 Defendant St. Paul Mercury Insurance Company (“St. Paul”) hereby joins in the
2 Motion to Dismiss Plaintiffs Netscape Communications Corporation’s and America
3 Online, Inc.’s (collectively “Plaintiffs”) Ninth Cause of Action for Unfair Business
4 Practices pursuant to Cal. Bus. & Prof. Code § 17200 *et seq.* filed by Defendants Federal
5 Insurance Company and Executive Risk Specialty Insurance Company on the grounds
6 stated therein.

7 Date: February 13, 2006

GORDON & REES, LLP

/s/ Jeffrey M. Ratinoff

By: _____
JEFFREY M. RATINOFF
Attorneys for Defendant
ST. PAUL MERCURY INSURANCE
COMPANY

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Embarcadero Center West, 275 Battery Street, Suite 2000, San Francisco, CA 94111. On February 13, 2006, I served the within document in the case *Netscape Communications Corp., v. Federal Ins. Co., et al. Case No. C 06 00198 JW*:

1. **DEFENDANT ST. PAUL MERCURY INSURANCE COMPANY'S REPLY IN SUPPORT OF MOTION TO DISMISS PLAINTIFFS' NINTH CAUSE OF ACTION AND, IN THE ALTERNATIVE, MOTION TO STRIKE AND/OR MOTION FOR MORE DEFINITE STATEMENT**
2. **DEFENDANT ST. PAUL MERCURY INSURANCE COMPANY'S JOINDER IN MOTION TO DISMISS FILED BY DEFENDANTS FEDERAL INSURANCE COMPANY AND EXECUTIVE RISK SPECIALTY INSURANCE COMPANY**

| | |
|-------------------------------------|---|
| | by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. |
| | by placing a true copy of the document(s) listed above in a sealed envelope with postage thereon fully prepaid or provided for, at a station designated for collection and processing of envelopes and packages for mailing with the United States Post Office, addressed as set forth below. |
| | by placing a true copy of the document(s) listed above in a sealed envelope with postage thereon fully prepaid or provided for, at a station designated for collection and processing of envelopes and packages for mailing by overnight delivery by FedEx, addressed as set forth below. |
| <input checked="" type="checkbox"/> | by transmitting via the internet the document(s) listed above to the email address(es) set forth below. |

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presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 13, 2006, at San Francisco, California.

/s/
Valerie Stevenson