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7 Attorneys for Defendant
ST. PAUL MERCURY INSURANCE COMPANY

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

11 NETSCAPE COMMUNICATIONS)
CORPORATION, a Delaware corporation;)
12 and AMERICAN ONLINE, INC., a Delaware)
corporation,)

13 Plaintiffs,

14 vs.

15 FEDERAL INSURANCE COMPANY, an)
Indiana corporation; et al.,)

16 Defendants.
17

CASE NO. 5:06-CV-00198 JW (PVT)
STIPULATION AND [PROPOSED]
ORDER RE TIMING OF FILING OF
EXHIBITS IN SUPPORT OF CROSS
MOTIONS FOR PARTIAL SUMMARY
JUDGMENT

Complaint Filed: 12/12/05
Amended Complaint: 2/24/06

18 The parties are filing cross-motions for partial summary judgment pursuant to
19 Fed. Rule Civ. Proc. 56, subject to a briefing schedule set forth in the Stipulation And
20 Order Regarding Revised Schedule for Phase I, entered by this Court on August 31,
21 2006, and Stipulation and Order Regarding Further Revised Schedule for Phase I,
22 entered by this Court on October 25, 2006.

23 The Northern District Civil Local Rules require the parties to use sequential
24 numbering of exhibits during the course of depositions and trial in the case. L.R. 30-
25 2(b). The parties have complied with this rule and anticipate that most, if not all, of the
26 exhibits used in the cross-motions will be based on the exhibits used during discovery.


27 Therefore, to facilitate this Court's review of the cross-motions, and to avoid
28

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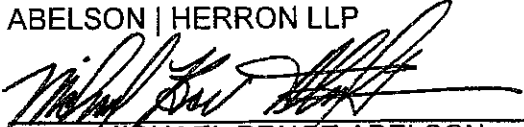
1 duplicate filing of exhibits, the parties stipulate and agree that no supporting exhibits will
2 be filed with the parties' briefs on the cross-motions for partial summary judgment.
3 Rather, the exhibits referenced in the cross-motions for partial summary judgment will
4 be separately compiled into a unified set, numerically arranged, and provided to the
5 Court after the conclusion of the parties' briefing, that is by March 9, 2007.

6 IT IS SO STIPULATED.

7 Dated: November ^{gh}20, 2006 GORDON & REES LLP

8
9 By: 
10 SARA M. THORPE
11 Attorneys for Defendant ST. PAUL
12 MERCURY INSURANCE COMPANY

11 Dated: November ^{gh}20, 2006

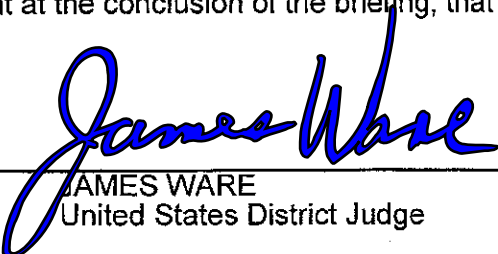
12 ABELSON | HERRON LLP
13 By: 
14 MICHAEL BRUCE ABELSON
15 LESLIE A. PEREIRA
16 Attorneys for Plaintiffs NETSCAPE
17 COMMUNICATIONS CORPORATION,
18 AMERICA ONLINE, INC.

17 ORDER

18 Based upon the previously entered Stipulation And Order Regarding Revised
19 Schedule for Phase I, entered by this Court on August 31, 2006 and Stipulation and
20 Order Regarding Further Revised Schedule for Phase I, entered by this Court on
21 October 25, 2006, and good cause appearing therefore,

22 IT IS HEREBY ORDERED that the parties shall not file exhibits along with their
23 respective briefs and, instead, they shall submit a single set of exhibits relating to the
24 cross-motions for partial summary judgment at the conclusion of the briefing, that is by
25 March 9, 2007.

26 Dated: November 29, 2006

27 
28 JAMES WARE
United States District Judge