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NETSCAPE COMMUNICATIONS CORP.
and AMERICA ONLINE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

NETSCAPE COMMUNICATIONS CORPORATION, et al.,

Plaintiffs,

v.

FEDERAL INSURANCE COMPANY, et al.,

Defendants.

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

[PROPOSED] ORDER RE: CROSS-MOTIONS FOR PARTIAL SUMMARY JUDGMENT RE: DUTY TO DEFEND

Date: March 26, 2007
Time: 9:00 a.m.
Judge: Hon. James Ware
Court: 8, 4th Floor, San Jose

Complaint filed December 12, 2005

1 On March 26, 2007, the following motions came on for hearing at 9:00 a.m. in
2 Courtroom 8 of the above-captioned court, Hon. James Ware, presiding:

3 1. Defendant St. Paul Mercury Insurance Company's Motion for
4 Partial Summary Judgment Re Duty to Defend; and

5 2. Plaintiffs' Netscape Communications Corporation's and America
6 Online, Inc.'s Cross Motion for Partial Summary Judgment Re: Duty to Defend.

7 Upon review of the papers, presentation of counsel for the parties (if any), and for
8 Good Cause having been shown therefore, the Court:

9 1. DENIES St. Paul's Motion for Partial Summary Judgment Re Duty
10 to Defend; and

11 2. GRANTS Plaintiffs' Cross Motion for Partial Summary Judgment
12 Re: Duty to Defend.

13 IT IS SO ORDERED.

14 Dated: _____, 2007

15 Hon. James Ware
16 United States District Judge
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