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Attorneys for Defendant
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 O'DRISCOLL,

E-FILED - 11/18/08

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN JOSE DIVISION

21 GIRAFA.COM, INC.,

22 Plaintiff,

23 v.

24 ALEXA INTERNET, INC.; NIAL
 25 O'DRISCOLL,

26 Defendants.

Case No.: 08-2745 RMW (RS)

**STIPULATION AND []
 ORDER FOR ATTORNEYS FEES AND
 COSTS PURSUANT TO CAL. CODE OF
 CIVIL PROCEDURE § 425.16(c)**

27
 28 Stipulation and Order For
 Attorneys Fees and Costs
 08-2745 RMW (RS)

1 On October 6, 2008 the Court filed its Order Granting Defendants' Motion to Stay; Denying
2 Defendants' Motion to Dismiss or Transfer; and Granting Motions to Dismiss and Strike Plaintiff's
3 Third Claim. In light of the Court granting Defendants' Motion to Strike Plaintiff's Third Claim (the
4 "Motion to Strike"), Defendants on October 17, 2008 filed Defendants' Motion for Attorneys' Fees
5 and Costs Pursuant to California Code of Civil Procedure Section 425.16(c) (the "Motion for
6 Attorneys' Fees and Costs"), seeking their fees and costs for bringing the Motion to Strike and the
7 Motion to for Attorneys' Fees and Costs.

8 Through undersigned counsel, Plaintiff and Defendants hereby stipulate and agree:

- 9 (1) Within fourteen days of entry of the Order on this Stipulation, Plaintiff will pay
10 Defendants the total sum of \$16,000 in full satisfaction of all attorneys' fees, costs and
11 expenses to which Defendants are entitled pursuant to § 425.16(c) for the Motion to
12 Strike and the Motion for Attorneys' Fees and Costs; and
13 (2) The Motion for Attorneys' Fees and Costs, presently scheduled for hearing on
14 November 21, 2008 may be taken off calendar.

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16 DATED: October 31, 2008

SUGHRUE MION, PLLC

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18 By: /s/ John B. Scherling
19 John B. Scherling

20 Attorneys for Plaintiff
21 GIRAFA.COM, INC.

22 DATED: October 31, 2008

DLA PIPER US LLP

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24 By: /s/ Elizabeth Day (by consent)
25 Elizabeth Day

26 Attorneys for Defendant
27 ALEXA INTERNET, INC.

1 **ECF CERTIFICATION**

2 Pursuant to General Order No. 45, § X.B, the filing attorney attests that the content of this
3 document is acceptable to all persons required to sign this document.

4 **ORDER**

5 This Stipulation and Order is hereby adopted by the Court. Defendants are awarded the total
6 sum of \$16,000 in full satisfaction of all attorneys' fees, costs and expenses to which Defendants are
7 entitled pursuant to § 425.16(c) for the Motion to Strike and the Motion for Attorneys' Fees and
8 Costs, with payment to be made within fourteen days of the entry of this Order.

9 The Court hereby vacates the hearing date of November 21, 2008 on the Motion for
10 Attorneys' Fees and Costs.

11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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13 Dated: 11/18/08

Ronald M. Whyte

14 _____
15 Honorable Ronald M. Whyte
16 UNITED STATES DISTRICT JUDGE
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