

1 John B. Scherling (SBN 122234)
 jscherling@sughrue.com
 2 Scott H. Davison (SBN 228807)
 sdavison@sughrue.com
 3 SUGHRUE MION, PLLC
 501 West Broadway, Suite 1600
 4 San Diego, California 92101-3595
 Tel: 619.238.3545
 5 Fax: 619.238.4931

6 William H. Mandir (*pro hac vice*)
 wmandir@sughrue.com
 7 John F. Rabena (*pro hac vice*)
 jrabena@sughrue.com
 8 Carl J. Pellegrini (*pro hac vice*)
 cpellegrini@sughrue.com
 9 Chandran B. Iyer (*pro hac vice*)
 cbiyer@sughrue.com
 10 SUGHRUE MION, PLLC
 2100 Pennsylvania Avenue, N.W.
 11 Washington, D.C. 20037
 Tel: 202.293.7060
 12 Fax: 202.293.7860

13 Attorneys for Plaintiff
 GIRAFA.COM, INC.

Elizabeth Day (SBN 177125)
 elizabeth.day@dlapiper.com
 Aaron Wainscoat (SBN 218339)
 aaron.wainscoat@dlapiper.com
 DLA PIPER US LLP
 2000 University Avenue
 East Palo Alto, California 94303-2214
 Tel: 650.833.2000
 Fax: 650.833.2001

John R. Hurley (SBN 203641)
 john.hurley@dlapiper.com
 DLA PIPER US LLP
 153 Townsend Street, Suite 800
 San Francisco, California 94107-1957
 Tel: 415.836.2500
 Fax: 415.836.2501

Thomas G. Pasternak (*pro hac vice*)
 thomas.pasternak@dlapiper.com
 R. David Donoghue (*pro hac vice*)
 david.donoghue@dlapiper.com
 DLA PIPER US LLP
 203 North LaSalle Street, Suite 1400
 Chicago, Illinois 60601-1293
 Tel: 312.368.4000
 Fax: 312.236.7516

Attorneys for Defendant
 ALEXA INTERNET, INC.; NIAL
 O'DRISCOLL,

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

E-FILED - 12/4/08

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 RE CASE MANAGEMENT
 CONFERENCE**

1 In the October 6, 2008 Order Granting Defendants' Motion to Stay; Denying Defendants'
2 Motion to Dismiss or Transfer; and Granting Motions to Dismiss and Strike Plaintiff's Third Claim,
3 the Court set a case management conference for December 12, 2008 to address the status of *Alexa*
4 *Internet, Inc. v. Girafa.com, Inc.*, No. 2:08-cv-121, the related action in the United States District
5 Court for the Eastern District of Texas in which Plaintiff's motion to transfer that action to this
6 district remains pending.

7 Other than the Court granting Defendants' motions to dismiss and strike Plaintiff's third
8 claim for relief and staying the present action pursuant the October 6, 2008 Order, no further
9 developments pertinent to a case management conference have taken place since the parties filed
10 their Joint Case Management Conference Statement and Rule 26(f) Report on September 5, 2008.

11 Accordingly, through undersigned counsel, Plaintiff and Defendant hereby stipulate and
12 request:

13 (1) The case management conference currently scheduled for December 12, 2008 be taken
14 off calendar; and reset for February 13, 2009 @ 10:30 a.m.

15 (2) ~~The parties will advise this Court within ten court days of the filing of a decision on~~
16 ~~Plaintiff's motion to transfer *Alexa Internet, Inc. v. Girafa.com, Inc.*, No. 2:08-cv-121 to~~
17 ~~this district, so a further case management conference can be scheduled as appropriate.~~

19 DATED: November 24, 2008

SUGHRUE MION, PLLC

21 By: /s/ John B. Scherling
John B. Scherling

22 Attorneys for Plaintiff
23 GIRAFA.COM, INC.

24 DATED: November 24, 2008

DLA PIPER US LLP

26 By: /s/ Elizabeth Day (by consent)
Elizabeth Day

27 Attorneys for Defendant
28 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. Accordingly:

6 (1) The case management conference currently scheduled for December 12, 2008 is vacated; and

7 (2) The parties shall advise this Court within ten court days of the filing of a decision on

8 Plaintiff's motion to transfer *Alexa Internet, Inc. v. Girafa.com, Inc.*, EDTX No. 2:08-cv-121

9 to this district, ~~so a further case management conference can be scheduled as appropriate.~~

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

11 The CMC is reset for February 13, 2009 @ 10:30 a.m. (rmw)

12 Dated: 12/4/08

Ronald M. Whyte

13 Honorable Ronald M. Whyte
14 UNITED STATES DISTRICT JUDGE