

1 [SEE SIGNATURE PAGE FOR COUNSEL]

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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12 GOOGLE INC., AOL LLC, YAHOO! INC.,
13 IAC SEARCH & MEDIA, INC., and
14 LYCOS, INC.,

Case No. C-08-03172-RMW

15 Plaintiffs,

**STIPULATION AND [PROPOSED]
ORDER FOR CONTINUANCE OF
THE BRIEFING SCHEDULE ON
DEFENDANTS' MOTION TO
DISMISS, TRANSFER, OR STAY
AND PLAINTIFFS' MOTION TO
STRIKE SITE TECHNOLOGIES,
INC.'S MOTION TO DISMISS,
TRANSFER, OR STAY**

16 v.

17 L. DANIEL EGGER, SOFTWARE RIGHTS
18 ARCHIVE, LLC, and SITE
19 TECHNOLOGIES, INC.,

20 Defendants.

**Date: July 31, 2009
Time: 9:00 AM
Courtroom: 6, 4th Floor
Judge: Honorable Ronald M. Whyte**

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1 WHEREAS Defendants' Motion to Dismiss, Transfer or Stay Under the First-To-File
2 Rule, Under Rule 12(b)(2) For Lack of Personal Jurisdiction, and Under Rule 12(b)(1) For Lack
3 of Subject Matter Jurisdiction (Dkt. No. 42) (hereinafter "Defendants' Motion to Dismiss,
4 Transfer or Stay") and Plaintiffs' Motion to Strike Site Technologies, Inc.'s Motion to Dismiss,
5 Transfer, or Stay (Dkt. No. 64) are currently set to be heard on July 31, 2009 at 9:00 am;

6 WHEREAS Plaintiffs' Opposition to Defendants' Motion to Dismiss, Transfer, or Stay,
7 and Defendants' Opposition to Plaintiffs' Motion to Strike are currently due July 2, 2009, with
8 the parties' respective reply briefs in support of their motions due July 17, 2009;

9 WHEREAS the parties wish to continue the deadlines for their opposition papers from
10 July 2, 2009 to July 8, 2009 in order to complete certain discovery in connection with these
11 motions;

12 WHEREAS Plaintiffs believe that eight additional pages are necessary for them to fully
13 brief the many issues presented by Defendants' Motion to Dismiss, Transfer or Stay, and
14 Defendants do not object to the additional page allowance. The parties also agree that Defendants
15 should receive a reciprocal allowance of eight additional pages for their reply brief in support of
16 their Motion to Dismiss, Transfer, or Stay, if needed;¹

17 WHEREAS allowing the parties to submit the additional pages will not unduly burden the
18 parties or the Court;

19 THEREFORE THE PARTIES HEREBY STIPULATE that Plaintiffs' Opposition to
20 Defendants' Motion to Dismiss, Transfer, or Stay, and Defendants' Opposition to Plaintiffs'
21 Motion to Strike will be due July 8, 2009, rather than July 2, 2009. Both parties' reply papers in
22 support of their respective motions will remain due July 17, 2009.

23 Plaintiffs may file a brief in opposition to Defendants' Motion to Dismiss, Transfer or
24 Stay that contains eight additional pages of text in excess of the page limit set forth in Civil Local

25 _____
26 ¹ On April 30, 2009, the parties filed a stipulation and proposed order (Dkt. No. 109)
27 requesting leave for Plaintiffs to submit eight additional pages of briefing for Plaintiffs'
28 Opposition to Defendants' Motion to Dismiss, Transfer or Stay and eight additional pages of
briefing for Defendants' Reply brief in support. The order has not yet been entered, however.

1 Rule 7-4. Defendants may likewise file a reply brief in Support of Defendants' Motion to
2 Dismiss, Transfer or Stay containing eight additional pages of text in excess of the page limit set
3 forth in Civil Local Rule 7-4.

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5 Dated: June 29, 2009

Respectfully submitted,

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DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from the above-listed counsel.

Dated: June 29, 2009

/s/ Richard S. J. Hung
Richard S. J. Hung

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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that Plaintiffs' Opposition to Defendants' Motion to Dismiss, Transfer, or Stay (Dkt. No 42), and Defendants' Opposition to Plaintiffs' Motion to Strike (Dkt. No. 64) will be due July 8, 2009, rather than July 2, 2009. Both parties' reply papers in support of their respective motions will remain due July 17, 2009.

Additionally, Plaintiffs' Opposition to Defendants' Motion to Dismiss, Transfer, or Stay may contain eight additional pages of text in excess of the page limit set forth in Civil Local Rule 7-4. Likewise, Defendants' Reply in Support of their Motion to Dismiss, Transfer or Stay may contain eight additional pages of text in excess of the page limit set forth in Civil Local Rule 7-4.

Dated: _____, 2009

Hon. Ronald M. Whyte
United States District Judge