

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.,

Plaintiffs,

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v.

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

Defendants.

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Case No. C-08-03172-RMW

**STIPULATION AND [PROPOSED]  
ORDER FOR CONTINUANCE OF  
HEARING AND 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**

**Date: August 21, 2009**

**Time: 9:00 AM**

**Courtroom: 6, 4<sup>th</sup> Floor**

**Judge: Honorable Ronald M. Whyte**

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 a.m.;

6 WHEREAS the parties wish to continue the hearing on both of these motions until August  
7 21, 2009 at 9:00 a.m. and to continue the deadlines for their opposition papers until July 24, 2009  
8 and the deadlines for their reply papers to August 7, 2009 in order to complete certain discovery  
9 in connection with these motions;

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

15 WHEREAS allowing the parties to submit the additional pages will not unduly burden the  
16 parties or the Court;

17 THEREFORE THE PARTIES HEREBY STIPULATE, subject to the Court's order, that  
18 Plaintiffs' Opposition to Defendants' Motion to Dismiss, Transfer, or Stay, and Defendants'  
19 Opposition to Plaintiffs' Motion to Strike will be heard on August 21, 2009. The Parties'  
20 opposition papers relating to these motions will be due July 24, 2009. Both parties' reply papers  
21 in support of their respective motions will be due August 7, 2009.

22 Plaintiffs may file a brief in opposition to Defendants' Motion to Dismiss, Transfer or  
23 Stay that contains eight additional pages of text in excess of the page limit set forth in Civil Local  
24 Rule 7-4. Defendants may likewise file a reply brief in Support of Defendants' Motion to

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26 <sup>1</sup> 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 Dismiss, Transfer or Stay containing eight additional pages of text in excess of the page limit set  
2 forth in Civil Local Rule 7-4.

3  
4 Dated: July 7, 2009

Respectfully submitted,

5  
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8 *vice*)  
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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: July 7, 2009

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

**[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 heard on August 21, 2009 at 9:00 a.m. The parties' opposition papers relating to these motions will be due July 24, 2009. Both parties' reply papers in support of their respective motions will be due August 7, 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

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Hon. Ronald M. Whyte  
United States District Judge