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

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

Plaintiffs,

v.

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

Defendants

Case No. CV08-03172-RMW

**[PROPOSED] ORDER DENYING
DEFENDANTS' MOTION TO DISMISS,
TRANSFER, OR STAY UNDER THE
FIRST-TO-FILE RULE, UNDER RULE
12(B)(2) FOR LACK OF PERSONAL
JURISDICTION, AND UNDER RULE
12(B)(1) FOR LACK OF SUBJECT
MATTER JURISDICTION**

Hearing Date: August 21, 2009
Hearing Time: 9:00 am
Courtroom: 6 (4th Floor)
Judge: Hon. Ronald M. Whyte

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Pending before the Court is Defendants L. Daniel Egger, Software Rights Archive, LLC, and Site Technologies, Inc.’s Motion to Dismiss, Transfer, or Stay under the First-to-File Rule, under Rule 12(b)(2) for Lack of Personal Jurisdiction, and under Rule 12(b)(1) for Lack of Subject Matter Jurisdiction (“Motion to Dimiss, Transfer, or Stay”).

Having considered the motion, the response in opposition thereto, any reply thereto, the evidence of record, and arguments of counsel, the Court hereby DENIES the Motion to Dismiss, Transfer, or Stay.

IT IS SO ORDERED.

Dated: _____, 2009

Hon. Ronald Whyte
UNITED STATES DISTRICT JUDGE