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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

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

17 Plaintiffs,

18 v.

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

22 Defendants.

Case No. C-08-03172-RMW

**YAHOO! INC.'s JOINDER RE:
 PLAINTIFF GOOGLE INC., AOL
 LLC, IAC SEARCH & MEDIA, AND
 LYCOS, INC.'S OPPOSITION TO
 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**

**Date: August 21, 2009
 Time: 9:00 AM
 Courtroom: 6, 4th Floor
 Judge: Honorable Ronald M. Whyte**

1 Plaintiff Yahoo! Inc. (“Yahoo!”) hereby joins in Google Inc., AOL LLC, IAC Search &
 2 Media Inc. and Lycos Inc.’s Opposition to Defendants’ Motion to Dismiss, Transfer or Stay
 3 Under the First-To-File Rule, Under Rule 12(B)(2) for Lack of Personal Jurisdiction, and Under
 4 Rule 12(B)(1) for Lack of Subject Matter Jurisdiction, filed with the Court July 24, 2009.

5 Yahoo! joins separately because jurisdictional discovery from Altitude Capital Partners,
 6 L.P. and Altitude Capital Partners, LLC (together, “Altitude”) is not yet complete. Altitude
 7 Capital Partners, LLC is a “controlling entity” of Software Rights Archive, LLC (“SRA”), a
 8 defendant in this action.¹ After being compelled by the United States District Court of the
 9 District of Delaware to produce documents responsive to Plaintiffs’ subpoena, Altitude stipulated
 10 that it would produce all responsive documents by June 30, 2009.²

11 To date, Altitude still has not completed this production. The parties have continued to
 12 meet and confer about this production, however, and hope to resolve all outstanding issues in the
 13 near future without further intervention by the Court. If the Court is inclined to resolve any of the
 14 jurisdictional issues in Defendants’ favor, Yahoo! requests that the Court’s decision be deferred
 15 pending completion of the jurisdictional discovery from Altitude and a further opportunity for
 16 Plaintiffs to be heard by this Court.

17 Dated: July 24, 2009

Respectfully submitted,

19 By: /s/ Richard S.J. Hung
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25 ¹ See Amended Declaration of Russell J. Barron, dated June 26, 2009, at ¶ 4, attached as
 26 Ex. A.

27 ² See Stipulation & Order in Misc. Case No. 09-017 (D. Del.), dated June 9, 2009,
 28 attached as Ex. B.