

United States District Court  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

E-FILED on 8/22/09

IN THE UNITED STATES DISTRICT COURT  
FOR THE 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.

No. C-08-03172 RMW  
  
ORDER REGARDING MOTION TO  
DISMISS, TRANSFER, OR STAY  
  
[Docket No. 42, 64]


The court grants defendants' motion to stay pending resolution of the case in the Eastern District of Texas or a decision by that court to transfer the action to the Northern District of California. By this order the court expresses no opinion on whether the motion to transfer to this district pending in the Eastern District of Texas should be granted or denied.

The motion to dismiss plaintiff L. Daniel Egger ("Egger") is granted on the basis of his statement that he does not now and will not in the future assert any ownership rights in the patents-at-issue. *See* Decl. of Lee Kaplan ISO Defs.' Reply Ex. 10 (Declaration of L. Daniel Egger) ("I owned the patents directly from September 1998 until February 2005, when I assigned them to Software Rights Archive, Inc. . . ."); *Id.* at Ex. 12 (Egger's Assignment Agreement) ("[Egger] hereby sells, assigns, and transfers to [Software Rights Archive, Inc.] his entire right, title, and interest in

1 and to the Patents . . ."). This dismissal is conditioned on Egger filing a signed stipulation to that  
2 effect. The court recognizes, and Egger's stipulation may provide, that Egger has an interest in the  
3 outcome of the litigation or may be entitled to some payment by Software Rights Archive for his  
4 purported past sale or assignment of any ownership interests in the patents.

5 The motion to dismiss Site Technologies is denied. The motion to strike is denied.

6  
7  
8 DATED: 8/21/09 \_\_\_\_\_

  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Search Engines:**

3 Richard S.J. Hung rhung@mofo.com  
Michael A. Jacobs mjacobs@mofo.com  
4  
5 Jennifer A. Kash jenniferkash@quinnemanuel.com  
Claude Michael Stern claudestern@quinnemanuel.com  
Kristin Janet Madigan kristinmadigan@quinnemanuel.com  
6  
7 Juanita R. Brooks brooks@fr.com  
Jason W. Wolff wolff@fr.com  
Jerry T. Yen yen@fr.com  
8 Ramon K Tabtiang rkt@fr.com  
Thomas Bernard Walsh , IV walsh@fr.com

9 **Counsel for Daniel Egger, Software Rights Archive, et al.:**

10 Jay David Ellwanger jellwanger@dpehlaw.com  
11 Jeffrey A. Potts jpotts@skv.com  
Lee Landa Kaplan lkaplan@skv.com  
12 Narasa Raju Duvvuri rduvvuri@skv.com  
Thomas Frank Smegal , Jr. tosmegal@smegallaw.com

13 **Counsel for Murray & Murray, P.C.:**

14 Joseph J. De Hope , Jr. jdehope@hinshawlaw.com

15 **Counsel for Wilson Sonsini Goodrich & Rosati, P.C.:**

16 Mark Gregory Parnes mparnes@wsgr.com  
17

18 Counsel are responsible for distributing copies of this document to co-counsel that have not  
19 registered for e-filing under the court's CM/ECF program.  
20

21 **Dated:** 8/22/09 JAS  
22 **Chambers of Judge Whyte**

23  
24  
25  
26  
27  
28