

1 [SEE SIGNATURE PAGE FOR COUNSEL LISTINGS]

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E-FILED - 9/24/08

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. CV 08-03172 RMW (RS)

**JOINT STIPULATED REQUEST TO
RESCHEDULE INITIAL CASE
MANAGEMENT CONFERENCE
AND ORDER**

DATE: October 10, 2008
TIME: 10:30 a.m.
PLACE: Courtroom 6, 4th Floor
JUDGE: Honorable Ronald M. Whyte

Pursuant to Civil Local Rule 6-2(a) and 6-1(b), Plaintiffs GOOGLE INC., AOL LLC, YAHOO! INC., IAC SEARCH & MEDIA, INC., and LYCOS, INC., (collectively "Plaintiffs") and Defendants L. DANIEL EGGER, SOFTWARE RIGHTS ARCHIVE, LLC, and SITE TECHNOLOGIES, INC., (collectively, "Defendants") hereby stipulate to the postponement of the Initial Case Management Conference currently scheduled for October 10, 2008 at 10:30 a.m. The parties request that a new Initial Case Management Conference be continued to November 14, 2008 at 10:30 a.m. and that the parties' obligations under Federal Rules of Civil Procedure 26(a) and 26(f) be rescheduled accordingly. Assuming entry of the ORDER as requested, the parties' Case Management Statement will be due on November 7, 2008.

Defendants have requested this schedule modification, and Plaintiffs do not oppose it. In addition, the parties are engaged in jurisdictional discovery and motion practice in a related case

1 pending in the Eastern District of Texas. The parties believe that the benefit of this discovery will
2 allow for a more productive Initial Case Management Conference.

3 In addition, the parties have stipulated and agreed that Defendants may answer or
4 otherwise respond to the Complaint on November 10, 2008.

5 There have been no other schedule modifications in this case. The parties believe that
6 rescheduling the Case Management Conference to November 14, 2008, will not prejudice the
7 parties or significantly impact the ultimate schedule for resolution of the case.

8 This stipulation is made without prejudice to seek additional orders from the Court, subject
9 to Court approval.

10
11 Dated: September 22, 2008

Respectfully submitted,

12 By: /s/ Juanita R. Brooks

13 Juanita R. Brooks (CA Bar No. 75934)
14 Jason W. Wolff (CA Bar No. 215819)
15 FISH & RICHARDSON P.C.
16 12390 El Camino Real
17 San Diego, CA 92130
18 Telephone: 858-678-5070
19 Facsimile: 858-678-5099
20 Email: wolff@fr.com

21 Attorneys for Plaintiffs GOOGLE INC. and AOL
22 LLC

23 By: /s/ Richard. S.J. Hung

24 Michael A. Jacobs (CA Bar No. 111664)
25 Richard S.J. Hung (CA Bar No. 197425)
26 MORRISON & FOERSTER
27 425 Market Street
28 San Francisco, CA 94105
Telephone: 415-268-7000
Facsimile: 415-268-7522
Email: mjacobs@mof.com

Attorneys for Plaintiff YAHOO! INC.

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By: /s/ Jennifer A. Kash
Claude M. Stern (CA Bar No. 96737)
Jennifer A. Kash (CA Bar No. 203679)
QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP
555 Twin Dolphin Drive, Suite 560
Redwood Shores, CA 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100
Email: claudestern@quinnemanuel.com
Email: jenniferkash@quinnemanuel.com

Attorneys for Plaintiffs IAC SEARCH &
MEDIA, INC. and LYCOS, INC.

By: /s/ Jay D. Ellwanger
Jay D. Ellwanger (CA Bar No. 217747)
DiNovo Price Ellwanger & Hardy LLP
7000 North MoPac Expressway, Suite 350
Austin, Texas 78731
Telephone: (512) 539-2630
Facsimile: (512) 539-2627
Mobile: (512) 731-7467
Email: jellwanger@dpelaw.com

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

1 **DECLARATION OF CONSENT**

2 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
3 penalty of perjury that concurrence in the filing of this document has been obtained from counsel
4 for Plaintiffs Google Inc., AOL LLC and Yahoo! Inc. and Defendants L. Daniel Egger, Software
5 Rights Archive, LLC, and Site Technologies, Inc.

6
7 Dated: September 22, 2008

By: /s/ Jennifer A. Kash

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CASE MANAGEMENT ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Case Management Conference scheduled for October 10, 2008 at 10:30 a.m., is rescheduled to November 14, 2008 at 10:30 a.m. Defendants shall have until November 10, 2008 to answer or otherwise respond to the Complaint in this action.

Dated: 9/24/08 Ronald M. Whyte
Honorable Ronald M. Whyte
Judge of the United States District Court