

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

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.

Case No. CV08-03172RMW

**[PROPOSED] ORDER GRANTING
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**

1 Pending before the Court is the Motion of Defendants L. Daniel Egger,
2 Software Rights Archive, LLC, and Site Technologies, Inc. to Dismiss, Transfer or
3 Stay under the First-to-File Rule, Under Rule 12(B)(2) for lack of personal
4 jurisdiction and under Rule 12(B)(2) for lack of subject matter jurisdiction..
5 Having considered the motion, response, pleadings, evidence, and argument of
6 counsel, the Court finds and holds that the Motion should be GRANTED. It is
7 therefore

8 ORDERED that Defendants' Motion to Dismiss is in all respects
9 GRANTED. It is further

10 ORDERED that all of Plaintiffs' claims against L. Daniel Egger, Software
11 Rights Archive, LLC, and Site Technologies, Inc. are hereby DISMISSED.

12 Dated: _____, 2008

13
14
15

Hon. Ronald Whyte
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28