

1 [SEE SIGNATURE PAGE FOR COUNSEL]

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
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. C-08-03172-RMW

**STIPULATION RE: AGREED
RULE 7-11 MOTION TO
CONSOLIDATE PENDING
MOTIONS AND ASSIGN
RELATED MISCELLANEOUS
ACTION TO THIS COURT**

Judge: Hon. Ronald M. Whyte

1 WHEREAS, currently before this Court in this action are:

- 2
- 3 • Defendants' Motion to Dismiss, Transfer or Stay ("Motion to Dismiss"), filed on
 - 4 • Plaintiffs' Motion to Strike Site Technologies, Inc.'s Motion to Dismiss, Transfer
 - 5 or Stay ("Motion to Strike"), filed on January 20, 2009; and
 - 6 • Defendants' L. Daniel Egger and Software Rights Archive LLC's ("SRA") Motion
 - 7 to Quash Plaintiff's 30(b)(6) Notice of Deposition and for Protection ("Motion to
 - 8 Quash"), filed on January 20, 2009.

8 WHEREAS, currently before this Court (Judge Fogel and Judge Trumbull) in
9 Miscellaneous Action No. C-09-80004 are:

- 10
- 11 • Yahoo!'s Motion to Compel Compliance with Yahoo!'s Subpoena on Murray &
 - 12 Murray P.C. ("Motion to Compel Murray"), filed on January 20, 2009;
 - 13 • Yahoo!'s Motion to Compel Compliance with Yahoo!'s Subpoena on Wilson,
 - 14 Sonsini, Goodrich & Rosati ("Motion to Compel WSGR"), filed on January 20,
 - 15 2009.

14 WHEREAS, the Motion to Quash, Motion to Compel Murray, and Motion to Compel
15 WSGR are scheduled for hearing before Judge Trumbull on February 24, 2009;

16 WHEREAS, the Motion to Dismiss and Motion to Strike are scheduled for hearing before
17 this Court three days later, on February 27, 2009;

18 WHEREAS, this action and the miscellaneous action may involve similar issues to those
19 before this Court in this action;

20 WHEREAS, the Motion to Compel Murray, the Motion to Compel WSGR, and the
21 Motion to Strike may also involve similar underlying issues; and

22 WHEREAS, the Motion to Quash and the Motion to Dismiss may also involve similar
23 issues; and

24 WHEREAS, to conserve judicial resources, it would be efficient for Miscellaneous Action
25 No. C-09-80004 to be assigned to this Court and all of these motions to be heard together.

26 THEREFORE, the parties and counsel for Murray & Murray P.C. and Wilson, Sonsini,
27 Goodrich & Rosati jointly stipulate to the assignment of Miscellaneous Action No. C-09-80004 to

1 this Court and propose that the Court hear the Motion to Dismiss, Motion to Strike, Motion to
2 Quash, Motion to Compel Murray, and Motion to Compel WSGR together on February 27, 2009,
3 if the Court so agrees.

4
5 Dated: January 29, 2009

Respectfully submitted,

6 By: /s/ Juanita R. Brooks

Juanita R. Brooks (SBN 75934,
brooks@fr.com)

7 Jason W. Wolff (SBN 215819,
wolff@fr.com)

8 FISH & RICHARDSON P.C.

12390 El Camino Real

9 San Diego, CA 92130

10 Telephone: (858) 678-5070

Facsimile: (858) 678-5099

11 Thomas B. Walsh, IV (*admitted pro hac*
vice)

12 FISH & RICHARDSON P.C.

5000 Bank One Center

13 1717 Main Street

14 Dallas, TX 75201

Telephone: (214)747-5070

15 Facsimile: (214) 747-2091

Email: walsh@fr.com

16 Jerry T. Yen (SBN 247988, yen@fr.com)

17 FISH & RICHARDSON P.C.

500 Arguello Street, Suite 500

18 Redwood City, CA 94063

Telephone: (650) 839-5070

19 Facsimile: (650) 839-5071

20 Attorneys for Plaintiffs GOOGLE INC. and
AOL LLC

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

22 Michael A. Jacobs (CA Bar No. 111664)

Richard S.J. Hung (CA Bar No. 197425)

23 MORRISON & FOERSTER

425 Market Street

24 San Francisco, CA 94105

Telephone: 415-268-7000

25 Facsimile: 415-268-7522

Email: mjacobs@mofo.com

26 Attorneys for Plaintiff YAHOO! INC.

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

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/ Lee L. Kaplan
Lee Landa Kaplan (lkaplan@skv.com)
(pro hac vice)
Smyser Kaplan & Veselka, L.L.P.
700 Louisiana St., Suite 2300, Houston, TX
77002
Telephone: (713) 221-2300
Facsimile: (713) 221-2320

Thomas F. Smegal, Jr.
(tomsmegal@smegallaw.com)
Law Offices of Thomas F. Smegal, Jr.
One Sansome Street, 35th floor
San Francisco, CA 94104
Telephone: (415) 217-8383
Facsimile: (415) 399-0593

Jay D. Ellwanger
(jellwanger@dpelaw.com)
Dinovo Price Ellwanger LLP
P.O. Box 201690
Austin, Texas 78720
Telephone: (512) 681-4060
Facsimile: (512) 628-3410

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

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

By: /s/ Mark Parnes
Mark Parnes
(mparnes@wsgr.com)
Wilson, Sonsini, Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304
Telephone: (650) 493-9300
Facsimile: (650) 493-6811

Attorneys for WILSON, SONSINI, GOODRICH
& ROSATI.

By: /s/ Joseph J. De Hope, Jr.
Joseph J. De Hope, Jr.
(jdehope@hinshawlaw.com)
Hinshaw & Culbertson LLP
One California Street
18th Floor
San Francisco, CA 94111
Telephone: (415) 362-6000
Facsimile: (415) 834-9070

Attorneys for MURRAY & MURRAY P.C.

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

DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from counsel listed above.

Dated: January 29, 2009

By: /s/ Richard S.J. Hung