

1 [SEE SIGNATURE BLOCK FOR COUNSEL]

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**\*E-FILED - 2/13/09\***

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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

Case No. CV 08-03172-RMW

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Plaintiffs,

**JOINT STIPULATION AND  
[] ORDER**

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v.

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

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Defendants.

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1 Plaintiffs, Google Inc., AOL LLC, Yahoo! Inc., IAC Search & Media, Inc., and Lycos,  
2 Inc., and Defendants Site Technologies, Inc., Software Rights Archive, LLC, and Daniel Egger  
3 respectfully file this joint stipulation and proposed order.

4 The following motions are pending in this Court, and are currently set for hearing on  
5 February 27, 2009 (or tentatively scheduled for hearing on such date pending the Court's approval  
6 of the parties' Agreed Rule 7-11 Motion to Consolidate Pending Motions and Assign Related  
7 Miscellaneous Action No. C-09-80004 to this Court (filed January 29, 2009) (Docket No. 70)):

8 (1) Plaintiffs' motion to compel compliance with Yahoo! Inc.'s subpoena on Murray &  
9 Murray P.C. (filed on January 20, 2009) in Miscellaneous Action No. C-09-80004;

10 (2) Plaintiffs' motion to compel compliance with Yahoo! Inc.'s subpoena on Wilson  
11 Sonsini Goodrich & Rosati (filed on January 20, 2009) in Miscellaneous Action No. C-09-80004;

12 (3) Plaintiffs' motion to strike Site Technologies, Inc.'s motion to dismiss, transfer, or stay  
13 (filed on January 20, 2009) (Docket No. 64);

14 (4) Plaintiffs' cross-motion to compel production of documents from Defendant Software  
15 Rights Archive, LLC (filed on February 3, 2009) (Docket No. 72);

16 (5) Defendants' motion to dismiss, transfer, or stay under the first-to-file rule, under Rule  
17 12(b)(2) for lack of personal jurisdiction, and under Rule 12(b)(1) for lack of subject matter  
18 jurisdiction (filed on November 10, 2008) (Docket No. 42); and

19 (6) Defendants' motion to quash Plaintiffs' 30(b)(6) notice of deposition and for protection  
20 (filed on January 20, 2009) (Docket No. 63).

21 Subject to the Court's approval, the Plaintiffs and Defendants have agreed to postpone the  
22 discovery motions in this case (numbers (1), (2), (4), and (6) above) by roughly 4-6 weeks, and the  
23 motion to strike and the motion to dismiss/transfer/stay (numbers (3) and (5) above) by another  
24 roughly 4-5 weeks thereafter. Plaintiffs and Defendants are in the process of working together and  
25 with the Court to find alternative hearing dates and times agreeable to all. As soon as such dates  
26 are determined, the parties will have the motions again placed on the Court's calendar. All  
27 oppositions and replies to be filed in response to the above-listed motions, to the extent such  
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1 oppositions and replies have not yet been filed, will be filed pursuant to Local Rule 7-3 based on  
2 the new hearing dates or other agreement of the parties.

3  
4 **ORDER**

5 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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7 Dated: 2/13/09

*Ronald M. Whyte*  
8 The Honorable Ronald M. Whyte  
United States District Court Judge

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1 Dated: February 6, 2009

Respectfully submitted,

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SITE TECHNOLOGIES, INC.

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**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 for all parties.

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/s/ Kristin J. Madigan  
Kristin J. Madigan