

1 [SEE SIGNATURE PAGE FOR COUNSEL]

2

3

4

5

6

7

8

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

9

10

11

12 GOOGLE INC., AOL LLC, YAHOO! INC., IAC  
13 SEARCH & MEDIA, INC., and LYCOS, INC.,  
14 Plaintiffs,  
15 v.  
16 L. DANIEL EGGER, SOFTWARE RIGHTS  
17 ARCHIVE, LLC, and SITE TECHNOLOGIES,  
18 INC.,  
19 Defendants.

**Case No. C-08-03172-RMW**  
**JOINT AMENDED NOTICE OF MOTIONS**

Date: April 17, 2009  
and May 22, 2009  
Time: 9:00 AM  
Judge: Hon. Ronald M. Whyte

19

20 SOFTWARE RIGHTS ARCHIVE, LLC,  
21 Plaintiff,  
22 v.  
23 GOOGLE INC., YAHOO! INC., IAC SEARCH  
24 & MEDIA, INC., AOL LLC, and LYCOS, INC.  
25 Defendant.

**Case No. Misc. Action C-09-80004**  
(Case No. 2:07-cv-511 (CE) pending in the Eastern District of Texas)

26

27

28

1 Pursuant to this Court's February 13, 2009 Order assigning Miscellaneous Action No. C-  
2 09-80004 to this Court, consolidating that action with *Google Inc. v. Egger et al.*, Case No. C-08-  
3 03172-RMW, and agreeing to hear pending discovery motions in the consolidated cases together  
4 in one hearing, the parties jointly agree to notice the following pending motions for hearing by  
5 this Court on April 17, 2009 at 9:00 AM, or as soon thereafter as the matters may be heard:

- 6 (1) Yahoo!'s Motion to Compel Compliance with Yahoo!'s Subpoena on Murray &  
7 Murray P.C., filed on January 20, 2009 in Misc. Action C-09-80004;
- 8 (2) Yahoo!'s Motion to Compel Compliance with Yahoo!'s Subpoena on Wilson, Sonsini,  
9 Goodrich & Rosati, filed on January 20, 2009 in Misc. Action C-09-80004;
- 10 (3) Daniel Egger and Software Rights Archive LLC's Motion to Quash Google et al.'s  
11 30(b)(6) Notice of Deposition and for Protection, filed on January 20, 2009 in Case  
12 No. C-08-03172-RMW (Docket No. 63);
- 13 (4) Google et al.'s Cross-Motion to Compel Production of Documents from Software  
14 Rights Archive, LLC, filed February 3, 2009 in Case No. C-08-03172-RMW (Docket  
15 No. 72).

16 Also pursuant to this Court's February 13, 2009 Orders, the parties jointly agree to notice  
17 the following pending motions for hearing by this Court on May 22, 2009 at 9:00 AM, or as soon  
18 thereafter as the matters may be heard:

- 19 (1) Plaintiffs' motion to strike Site Technologies, Inc.'s motion to dismiss, transfer, or  
20 stay (filed on January 20, 2009) (Docket No. 64);
- 21 (2) Defendants' motion to dismiss, transfer, or stay under the first-to-file rule, under Rule  
22 12(b)(2) for lack of personal jurisdiction, and under Rule 12(b)(1) for lack of subject  
23 matter jurisdiction (filed on November 10, 2008) (Docket No. 42).

24  
25 Dated: February 27, 2009

Respectfully submitted,

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/ Thomas B. Walsh, IV  
Thomas B. Walsh, IV (*admitted pro hac vice*)  
FISH & RICHARDSON P.C.  
5000 Bank One Center  
1717 Main Street  
Dallas, TX 75201  
Telephone: (214)747-5070  
Facsimile: (214) 747-2091  
Email: walsh@fr.com

Juanita R. Brooks (SBN 75934,  
brooks@fr.com)  
Jason W. Wolff (SBN 215819,  
wolff@fr.com)  
FISH & RICHARDSON P.C.  
12390 El Camino Real  
San Diego, CA 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

Jerry T. Yen (SBN 247988, yen@fr.com)  
FISH & RICHARDSON P.C.  
500 Arguello Street, Suite 500  
Redwood City, CA 94063  
Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

Attorneys for GOOGLE INC. and AOL LLC

By: /s/ Richard. S.J. Hung  
Michael A. Jacobs (CA Bar No. 111664)  
Richard S.J. Hung (CA Bar No. 197425)  
MORRISON & FOERSTER  
425 Market Street  
San Francisco, CA 94105  
Telephone: 415-268-7000  
Facsimile: 415-268-7522  
Email: mjacobs@mofo.com

Attorneys for 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 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, 35<sup>th</sup> 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 L. DANIEL EGGER, SOFTWARE  
RIGHTS ARCHIVE, LLC, and SITE  
TECHNOLOGIES, INC.

**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: February 27, 2009

By:       /s/ Richard S.J. Hung      

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