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9 Attorneys for Defendant  
 GOOGLE INC.

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

15 HAL K. LEVITTE, Individually and On  
 Behalf of All Others Similarly Situated,

16 Plaintiff,

17 v.

18 GOOGLE INC., a Delaware corporation,

19 Defendant.  
 20

Case No. 08-CV-03369 JW RS

**DEFENDANT GOOGLE INC.'S  
 NOTICE OF PENDENCY OF OTHER  
 ACTION (CIV. L.R. 3-13)**

22 Defendant Google Inc., by and through its undersigned counsel of record, hereby notifies  
 23 the Court and all opposing parties pursuant to Civil Local Rule 3-13 that this action involves the  
 24 same subject matter and the same parties as another action that is pending in another federal  
 25 district court.

26 The action is entitled *JIT Packaging, Inc. v. Google, Inc.*, Case No. 08-CV-4543 (N.D.  
 27 Ill.) (filed August 11, 2008) ("*JIT Packaging Action*"). A true and correct copy of the complaint  
 28 in that action is attached hereto as Exhibit A.

1 The *JIT Packaging* Action is related to this action because it is nearly identical, alleges  
2 contract and statutory claims against Google arising out of Google's AdWords advertising  
3 program, is premised on allegations regarding parked domains and error web pages, is also styled  
4 as a class action, and asserts an overlapping putative class of Google AdWords customers.

5 Google is in the process of seeking to have that action dismissed or alternatively  
6 transferred (FED. R. CIV. P. 12(b)(3); 28 U.S.C. § 1404(a)) to this district based on a forum  
7 selection clause in the Google Inc. Advertising Program Terms that mandates that the action be  
8 filed in Santa Clara County, California. If Google's efforts are not successful, Google will seek  
9 to have the action transferred to this district under 28 U.S.C. § 1407 (MDL procedure). Until the  
10 *JIT Packaging* action is re-filed or transferred here, to avoid conflicts, conserve resources, and  
11 promote an efficient determination of the action, Google respectfully requests that this action (and  
12 the related actions pending in this district) be stayed.

13  
14 Dated: September 30, 2008

COOLEY GODWARD KRONISH LLP  
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17 /s/Leo P. Norton

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