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9 Attorneys for Defendant
 GOOGLE INC.

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION

15 In re Google AdWords Litigation

Case No. 08-cv-03369 JW RS

16 **STIPULATION AND ORDER**
 17 **DISMISSING PLAINTIFFS' UNJUST**
 18 **ENRICHMENT CLAIM AND**
 19 **DEFENDANT GOOGLE INC.'S**
 20 **COUNTERCLAIM AND STRIKING**
 21 **PLAINTIFFS' JURY DEMAND**

(Civil. L.R. 7-12)

1 Plaintiffs and defendant Google Inc. ("Google"), by and through their respective counsel,
2 stipulate and agree as follows:

3 WHEREAS, plaintiffs filed their Consolidated Class Action Complaint for Violation of
4 California Business & Professions Code sections 17200 et seq. and 17500 et seq. and Unjust
5 Enrichment ("Consolidated Complaint") on April 24, 2009 (Doc. No. 45);

6 WHEREAS, plaintiffs demanded a jury trial "on all causes of action so triable" in the
7 Consolidated Complaint;

8 WHEREAS, on May 18, 2009, Google filed its Answer and Counterclaim to the
9 Consolidated Complaint in which it asserted a counterclaim for breach of contract against
10 plaintiff and counterclaim-defendant JIT Packaging, Inc. ("JIT"), which is one of the four named
11 plaintiffs in this action (Doc. No. 46);

12 WHEREAS, in an effort to avoid unnecessary motion practice, plaintiffs and Google met
13 and conferred regarding intended motion practice regarding the following: (1) plaintiffs' Fifth
14 Claim for Relief for Unjust Enrichment; (2) plaintiffs' corresponding jury demand; and (3)
15 Google's counterclaim against JIT for breach of contract;

16 WHEREAS, plaintiffs agreed to dismiss without prejudice the Fifth Claim for Relief for
17 Unjust Enrichment and strike the corresponding jury demand in exchange for Google dismissing
18 without prejudice its counterclaim for breach of contract against JIT;

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1 NOW THEREFORE, the parties hereby stipulate and agree and request the Court to order
 2 that (a) plaintiffs’ Fifth Claim for Relief for Unjust Enrichment asserted in the Consolidated
 3 Complaint be dismissed without prejudice; (b) plaintiffs’ jury demand be stricken in its entirety
 4 from the Consolidated Complaint; and (c) Google’s counterclaim against JIT for breach of
 5 contract be dismissed without prejudice. Each side agrees to bear their own costs.

6 **IT IS SO STIPULATED.**

7 Dated: July 10, 2009

COOLEY GODWARD KRONISH LLP

8 By: /s/Leo P. Norton
 9 Leo P. Norton

10 Attorneys for Defendant GOOGLE, INC.

11 Dated: July 10, 2009

SCHUBERT JONCKHEER KOLBE &
 KRALOWEC LLP
 ROBERT C. SCHUBERT S.B.N. 62684
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 KIMBERLY A. KRALOWEC S.B.N. 163158

12 By: /s/Kimberly A. Kralowec
 13 Kimberly A. Kralowec

14 Attorneys for Plaintiffs

15 **ATTESTATION OF FILER**

16 I, Leo P. Norton, hereby attest that concurrence in the filing of the document has been
 17
 18 obtained from each of the other signatories.

19 Dated: July 10, 2009

COOLEY GODWARD KRONISH LLP

20 By: /s/Leo P. Norton
 21 Leo P. Norton

22 Attorneys for Defendant GOOGLE INC.

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

24 Dated: July ____, 2009

25 By: Hon. James Ware
 26 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2009, I filed the foregoing STIPULATION AND ORDER DISMISSING PLAINTIFFS' UNJUST ENRICHMENT CLAIM AND DEFENDANT GOOGLE INC.'S COUNTERCLAIM AND STRIKING PLAINTIFFS' JURY DEMAND with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record at the following listed email addresses.

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I also hereby certify that I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Diego, California upon the following:

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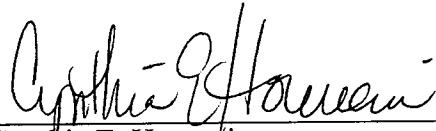
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