

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EBAY INC.,

Plaintiff,

v.

DIGITAL POINT SOLUTIONS, INC.,  
SHAWN HOGAN, KESSLER'S  
FLYING CIRCUS, THUNDERWOOD  
HOLDINGS, INC., TODD DUNNING,  
DUNNING ENTERPRISE, INC.,  
BRIAN DUNNING,  
BRIANDUNNING.COM, and DOES 1-  
20,

Defendants.

Case No. C 08-04052 JF


ADR CERTIFICATION BY EBAY INC.  
AND COUNSEL

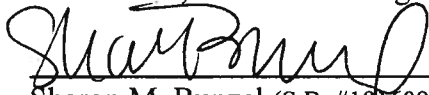
Pursuant to Civil L.R. 16-8(b) and ADR L.R. 3-5 (b), each of the undersigned certifies that he has:

- (1) Read the handbook entitled "*Dispute Resolution Procedures in the Northern District of California*" on the Court's ADR Internet site [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov);
- (2) Discussed the available dispute resolution options provided by the Court and private entities; and
- (3) Considered whether this case might benefit from any of the available dispute resolution options.

Dated: 12/23/2008

Dated: 12/23/2008

  
Adam Sand, Director of Litigation, eBay Inc.

  
Sharon M. Bunzel (S.B. #181609)  
O'MELVENY & MYERS LLP  
Two Embarcadero Center  
San Francisco, CA 94111  
Telephone: (415) 984-8700  
Facsimile: (415) 984-8701  
Attorney for eBay Inc.