

EXHIBIT A

Bunzel, Sharon M.

From: Bunzel, Sharon M.
Sent: Wednesday, May 27, 2009 9:48 PM
To: 'foreman@freelandlaw.com'; 'pkellymc@pacbell.net'; 'RCampbell@CoastLawGroup.com'; 'bernhard@freelandlaw.com'; 'seyamack@coastlawgroup.com'; 'LPresiado@rusmiliband.com'
Cc: Eberhart, David; Kennedy, Colleen
Subject: eBay v. DPS, et al.
Attachments: #766735 v1 - Stipulation re page limit of Opp to MTD SAC.doc

Counsel:

Attached is a proposed stipulation to extend the page limit for a consolidated opposition to the pending Motions to Dismiss and Motion to Transfer. Please let us know as soon as possible whether you will agree to the stipulation and whether we have your permission to sign the stipulation on your behalf. Given the significant commonality of issues raised by the various briefs, we trust you will agree that this request is reasonable and thereby obviate the need for a motion on this administrative issue.

Thank you in advance for your cooperation in this matter.

Sharon

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Attorneys for Plaintiff eBay Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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

**STIPULATION TO EXTEND PAGE
LIMIT FOR PLAINTIFF EBAY
INC.'S CONSOLIDATED
OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS THE
SECOND AMENDED COMPLAINT
AND DEFENDANTS DIGITAL
POINT SOLUTIONS, INC., AND
SHAWN HOGAN'S MOTION TO
TRANSFER**

1 The parties hereto, Plaintiff eBay Inc., and Defendants Digital Point Solutions,
2 Inc., Shawn Hogan, Thunderwood Holdings, Inc., Kessler's Flying Circus, Brian
3 Dunning, Briandunning.com, Todd Dunning, and Dunning Enterprise, Inc., by and
4 through their respective counsel of record, hereby stipulate as follows:

5 WHEREAS, Plaintiff filed the Second Amended Complaint ("SAC") on March 26,
6 2009;

7 WHEREAS, Defendants moved to dismiss the SAC for failure to state a claim in
8 three separate motions on April 27, 2009;

9 WHEREAS, Defendants' three separate Motions to Dismiss totaled approximately
10 58 pages and consisted of several similar legal and factual arguments;

11 WHEREAS, Defendants Digital Point Solutions, Inc., and Shawn Hogan filed a
12 Motion to Transfer on May 22, 2009;

13 WHEREAS, the Motion to Transfer totaled 12 pages and consisted of several legal
14 and factual arguments similar to those made in the Motions to Dismiss;

15 WHEREAS, rather than filing four separate oppositions to the pending motions,
16 eBay may file a consolidated Opposition to Defendants' Motions to Dismiss and Motion
17 to Transfer;

18 WHEREAS, under Civil L. R. 7-4(b) for the United States District Court for the
19 Northern District of California, a memorandum of points of authorities may not exceed 25
20 pages of text, unless the Court orders otherwise;

21 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
22 between the undersigned counsel for eBay and Defendants, subject to the approval of the
23 Court, as follows:

24 Given the length and similarities of the three separate Motions to Dismiss and
25 Motion to Transfer, plaintiff eBay shall have ten (10) additional pages for any
26 consolidated memorandum of points and authorities in opposition to the three Motions to
27 Dismiss the SAC and Motion to Transfer, thereby increasing the page limit to a total of
28 thirty-five (35) pages.

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DATED: May __, 2009

DAVID R. EBERHART
SHARON M. BUNZEL
COLLEEN M. KENNEDY
O'MELVENY & MYERS LLP

By: /s/ David R. Eberhart
DAVID R. EBERHART

Attorneys for Plaintiff eBay INC.

DATED: May __, 2009

Seyamack Kouretchian
Coast Law Group, LLP

By: /s/ Seyamack Kouretchian
SEYAMACK KOURETCHIAN

*Attorneys for Defendant Digital Point and
Defendant Shawn Hogan*

DATED: May __, 2009

Leo J. Presiado
Rus, Miliband & Smith, APC

By: /s/ Leo J. Presiado
LEO J. PRESIADO

*Attorneys for Defendant Thunderwood
Holdings, Inc.; Brian Dunning; and
BrianDunning.com*

1 DATED: May __, 2009

Patrick Kelly McClellan
Law Offices of Patrick K. McClellan

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By: /s/ Patrick Kelly McClellan
PATRICK KELLY
MCCLELLAN

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*Attorneys for Defendant Kessler's Flying
Circus*

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DATED: May __, 2009

Stewart H. Foreman
Freeland Cooper & Foreman LLP

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By: /s/ Stewart H. Foreman
STEWART H. FOREMAN

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Attorneys for Defendant Todd Dunning

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