

1 DAVID R. EBERHART (S.B. #195474)
 2 deberhart@omm.com
 3 SHARON M. BUNZEL (S.B. #181609)
 4 sbunzel@omm.com
 5 COLLEEN M. KENNEDY (S.B. #227107)
 6 ckennedy@omm.com
 7 O'MELVENY & MYERS LLP
 8 Two Embarcadero Center, 28th Floor
 9 San Francisco, CA 94111
 10 Telephone: (415) 984-8700
 11 Facsimile: (415) 984-8701

12 Attorneys for Plaintiff eBay Inc.

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN JOSE DIVISION**

16 EBAY INC.,

17 Plaintiff,

18 v.

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

26 Defendants.

Case No. C 08-04052 JF

**[PROPOSED] ORDER DENYING (1)
 THE MOTIONS TO DISMISS THE
 SECOND AMENDED COMPLAINT
 BY DEFENDANTS DIGITAL POINT
 SOLUTIONS, INC., SHAWN
 HOGAN, THUNDERWOOD
 HOLDINGS, INC., KESSLER'S
 FLYING CIRCUS, BRIAN
 DUNNING, BRIANDUNNING.COM,
 TODD DUNNING, AND DUNNING
 ENTERPRISE, INC. ; AND (2) THE
 MOTIONS TO TRANSFER BY
 DEFENDANTS DIGITAL POINT
 SOLUTIONS, INC., SHAWN
 HOGAN, TODD DUNNING AND
 DUNNING ENTERPRISE, INC.**

Hearing Date: June 26, 2009
 Time: 9:00 a.m.
 Judge: Hon. Jeremy Fogel

1 The Motions to Dismiss Plaintiff's Second Amended Complaint, filed on behalf of
2 Defendants Digital Point Solutions, Inc., Shawn Hogan, Thunderwood Holdings, Inc.,
3 Kessler's Flying Circus, Brian Dunning, Briandunning.com, Todd Dunning and Dunning
4 Enterprise, Inc., and the Motions to Transfer, filed on behalf of Defendants Digital Points
5 Solutions, Inc., Shawn Hogan, Todd Dunning and Dunning Enterprise, Inc., were heard
6 by the Court on June 26, 2009. Upon consideration of the papers submitted and the
7 arguments of counsel, and for good cause shown, the Court hereby DENIES the
8 Defendants' motions in their entirety.

9 SO ORDERED.

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12 DATED: _____

13 The Honorable Jeremy Fogel
14 United States District Judge
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