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 12 AMERICAN AIRLINES, INC.

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

16 YAHOO! INC., a Delaware corporation,  
 17 Plaintiff,

18 v.

19 AMERICAN AIRLINES, INC., a Delaware  
 20 corporation,  
 21 Defendant.

CASE NO. C08-05308-JF-PVT

**DECLARATION OF JASON B. STAVERS  
 IN SUPPORT OF STIPULATION AND  
 REQUEST FOR COURT ORDER FOR  
 ENLARGEMENT OF TIME TO ANSWER  
 COMPLAINT AND RESCHEDULING OF  
 INITIAL CASE MANAGEMENT  
 CONFERENCE**

[Civil L.R. 6-2]

22 I, Jason B. Stavers, declare as follows:

23 1. I have personal knowledge of the matters stated herein and, if called to do so, I could  
 24 and would competently testify to the facts stated below.

25 2. I am an attorney duly licensed to practice law before the courts of the State of  
 26 California. I am an associate with the law firm of Gibson, Dunn & Crutcher LLP, counsel of record  
 27 for defendant, American Airlines, Inc. ("American"), in the above-captioned matter (the "Yahoo!  
 28 Action").

1           3.       This declaration is made in support of the Stipulation and Request for Court Order For  
2 Enlargement of Time to Answer Complaint and Rescheduling of Initial Case Management  
3 Conference.

4           4.       American and the plaintiff, Yahoo!, Inc. (“Yahoo” and together, “the Parties”) have  
5 entered into two previous stipulations to extend the time for American to file its answer in this action.  
6 The first set American’s deadline to answer the complaint for February 6, 2009; the second set the  
7 deadline for March 6, 2009. Both stipulations and this stipulation and request for court order are  
8 based on the same reason, as set forth below.

9           5.       On October 17, 2008, before the filing of the Yahoo! Action, American filed suit  
10 against Yahoo! in the Northern District of Texas, which action is entitled *American Airlines, Inc. v.*  
11 *Yahoo! Inc. and Overture Services, Inc.*, Civil Action No. 4-08-CV-626-A (N.D.Tex.) (the  
12 “American Action”). The two lawsuits present similar and related issues.

13           6.       On November 24, 2008, Yahoo! filed a motion in the Northern District of Texas  
14 seeking to transfer the American Action to the Northern District of California.

15           7.       On January 16, 2009, the court denied Yahoo!’s motion to transfer.

16           8.       On January 29, 2009, Yahoo! filed a petition for writ of mandamus in the United  
17 States Court of Appeals for the Fifth Circuit, also seeking transfer of the American Action to the  
18 Northern District of California. The Fifth Circuit has not yet responded to Yahoo!’s petition.

19           9.       Once Yahoo!’s petition is granted or denied, the Parties expect to further negotiate and  
20 possibly seek guidance from this Court and/or from the United States District Court for the Northern  
21 District of Texas regarding the prosecution of both actions.


22           10.      The Parties believe that the interest of judicial economy would be served by enlarging  
23 American’s time to file a response in the Yahoo! Action and rescheduling the initial case  
24 management conference for June 19, 2009, or a later date that is convenient for the Court. This  
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1 should provide sufficient time for the resolution of Yahoo!'s writ petition, which in turn may  
2 influence if this action will proceed in this Court.

3 11. Rescheduling the initial case management conference will also change the deadlines  
4 for the Parties to meet and confer regarding discovery and alternative resolution, to file related  
5 stipulations, and to file the Rule 26(f) report. It will have no other effect on the schedule for this  
6 case, however.  
7

8 I declare under penalty of perjury that the foregoing is true and correct and that this  
9 declaration was executed in San Francisco, California on this 26th day of February, 2009.

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11 DATED: February 26, 2009

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16 Jason B. Stavers

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