

1 RANDALL W. EDWARDS (S.B. #179053)  
 redwards@omm.com  
 2 O'MELVENY & MYERS LLP  
 Two Embarcadero Center, 28th Floor  
 3 San Francisco, California 94111-3823  
 Telephone: (415) 984-8700  
 4 Facsimile: (415) 984-8701

5 Attorneys for Defendant  
 Google Inc.

6  
 7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN JOSE DIVISION**

11  
 12 JASON WEBER,  
 13 Plaintiff,  
 14 v.  
 15 GOOGLE INC.,  
 16 Defendant.

Case No. 10-cv-05035-EJD

**STIPULATION TO WITHDRAWAL  
 OF GOOGLE'S MOTION TO DISMISS  
 PLAINTIFF'S FIRST AMENDED  
 COMPLAINT PURSUANT TO RULES  
 12(b)(1) AND 12(b)(6) AND REQUEST  
 FOR STATUS CONFERENCE**

17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

STIP. TO WITHDRAWAL OF GOOGLE'S  
 MTD AND REQ. FOR STATUS  
 CONFERENCE 10-CV-05035-EJD

1 Pursuant to Civil Local Rule 7-7(e) and in light of the Court's October 11, 2011 order,  
2 Plaintiff Jason Weber and Defendant Google Inc. (collectively, the "Parties") hereby stipulate to  
3 the withdrawal, without prejudice to re-filing at a later time, of Google's Motion to Dismiss  
4 Plaintiff's First Amended Complaint Pursuant To Rules 12(b)(1) and 12(b)(6) (Docket No. 33,  
5 filed May 4, 2011). The Parties further request that the Court set a status conference, at which  
6 time the Parties may address, among other things, an appropriate briefing and hearing schedule  
7 related to any renewed Rule 12 motion. A Case Management Conference is currently scheduled  
8 for December 2, 2011 at 10:00 a.m., and the Parties request the status conference be set at that  
9 time if convenient for the Court.

10  
11 Dated: October 26, 2011

O'MELVENY & MYERS LLP

12  
13 By:           /s/ Randall W. Edwards            
14 Randall W. Edwards  
Attorneys for Defendant

15  
16 Dated: October 26, 2011

KAMBERLAW, LLC

17  
18 By:           /s/ Scott A. Kamber            
19 Scott A. Kamber  
Attorneys for Plaintiff

20 Filer's Attestation: In compliance with General Order 45(X)(B), I hereby attest that concurrence  
21 in the filing of this Stipulation has been obtained from Scott A. Kamber.

22  
23 Dated: October 26, 2011

O'MELVENY & MYERS LLP

24  
25 By:           /s/ Randall W. Edwards            
26 Randall W. Edwards  
Attorneys for Defendant