

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.

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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

<p>JASON WEBER,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>GOOGLE INC.,</p> <p style="text-align: right;">Defendant.</p>		
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Case No. 10-cv-05035-EJD

**~~PROPOSED~~ ORDER GRANTING
 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**

1 Having considered the Stipulation to Withdrawal of Google's Motion to Dismiss Plaintiff's
2 First Amended Complaint Pursuant to Rules 12(b)(1) and (12)(b)(6) and Request for Status
3 Conference, and for good cause shown,

4 **PURSUANT TO STIPULATION IT IS HEREBY ORDERED** that the withdrawal of
5 Google's Motion to Dismiss shall be without prejudice to re-filing a Rule 12(b) motion at a later
6 time. The Case Management Conference currently scheduled for **December 2, 2011, at**
7 **10:00 a.m.** is converted to a Status Conference and as such remains on calendar. On or
8 before **November 23, 2011**, the parties shall file a Joint Status Conference Statement
9 which updates the court on the current status of the case and provides a proposed
10 briefing and hearing schedule for any renewed Rule 12 motion. The Clerk shall terminate
11 Docket Item No. 33.

IT IS SO ORDERED.

12 Dated: October 27, 2011



HON. EDWARD J. DAVILA
U.S. District Judge