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8 Attorneys for Plaintiff and Counterclaim-Defendant
 INTERNET ARCHIVE

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2006 AUG 25 P 5: 23

FILED

AUG 28 2006

RICHARD W. WIEKING, CLERK
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

RECEIVED

AUG 25 2006

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

ORIGINAL

13 INTERNET ARCHIVE,
 a California 501(c)(3) non-profit organization,

Plaintiff,

v.

16 SUZANNE SHELL,
 17 a Colorado resident,

Defendant.


AND RELATED COUNTERCLAIMS

CASE NO.: C 06 0397 JSW

STIPULATION AND [PROPOSED]
 ORDER] TO TRANSFER CASE TO
 COLORADO

I hereby certify that the annexed
 instrument is a true and correct copy
 of the original on file in my office.
 ATTEST:

RICHARD W. WIEKING
 Clerk, U.S. District Court
 Northern District of California

By: 
 Deputy Clerk

Date: 8/29/06

22 Plaintiff and Counterclaim-Defendant Internet Archive ("Internet Archive") and
 23 Defendant and Counterclaimant Suzanne Shell ("Shell") hereby stipulate as follows:

24 1. This action shall be transferred in its entirety from the United States District Court
 25 for the District of Northern California to the United States District Court for the District of
 26 Colorado.

27 2. All pending motions referenced in the Court's May 17, 2006 Order Regarding
 28 Outstanding Motions; Vacating Hearing Date; and Referring Discovery to Magistrate Judge shall

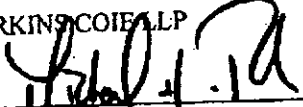
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be refiled at the parties' option following completion of the transfer.

3. Internet Archive and Shell expressly preserve any objections to jurisdiction or venue in the United States District Court for the District of Colorado.

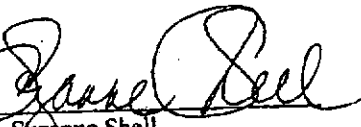
Respectfully submitted,

PERKINS COIE LLP

By: 
Michael H. Rubin

Date: August 24 2006

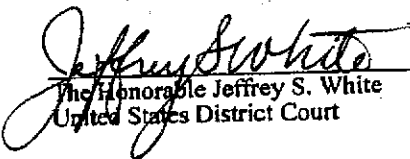
Attorneys for Plaintiff and Counterclaim-Defendant
INTERNET ARCHIVE

By: 
Suzanne Shell

Date: August 25 2006

IT IS SO ORDERED.

Dated: August 28 2006


The Honorable Jeffrey S. White
United States District Court