

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NET JUMPER SOFTWARE, L.L.C.
a Michigan limited liability corporation,

Plaintiff/Counterclaim
Defendant,

Civil Action No. 04-70366-CV
District Judge Julian Abele Cook, Jr.

v.

Magistrate Judge R. Steven Whalen

GOOGLE INC.,
a Delaware corporation

Defendant/Counterclaim
Plaintiff.

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**GOOGLE'S MOTION TO STAY PENDING RESOLUTION OF THE
REEXAMINATION PROCEEDINGS BEFORE THE UNITED STATES PATENT AND
TRADEMARK OFFICE OR IN THE ALTERNATIVE TO CONTINUE THE TRIAL
DATE TO LATE SEPTEMBER OR EARLY OCTOBER**

For the reasons set forth in the accompanying Brief in Support of Google's Motion to Stay Pending Resolution of the Reexamination Proceedings Before the United States Patent and Trademark Office, or in the Alternative to Continue the Trial Date to Late September or Early October, Google respectfully moves the Court to stay this litigation pending the reexamination of U.S. Patent No. 5,890,172, or in the alternative to continue to trial date for approximately 911 weeks – into late September or early October.

Pursuant to Local Rule 7.1, Google certifies that there was a conference between counsel for the parties in which Google explained the nature of its motion but did not obtain concurrence in the relief sought. Specifically, while counsel for NetJumper opposes a motion to stay pending the reexamination of the '172 patent, he indicated that a trial date in late September or early October would also be convenient but his client preferred to have the trial on July 22, 2008.

Dated: May 28, 2008

Respectfully submitted,

FISH & RICHARDSON P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2008, I electronically filed GOOGLE'S MOTION TO STAY PENDING RESOLUTION OF THE REEXAMINATION PROCEEDINGS BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE OR IN THE ALTERNATIVE TO CONTINUE THE TRIAL DATE TO LATE SEPTEMBER OR EARLY OCTOBER, together with its attached Exhibits and Declaration, with the Clerk of the Court using the ECF system, which will send notice of such filing upon the following attorneys: ANDREW KOCHANOWSKI and MICHAEL H. BANIAK.

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