

Attachments  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NETJUMPER, L.L.C.,  
a Michigan limited liability corporation,

Plaintiff,

v.

GOOGLE, INC.,  
a California corporation,

Defendant.

Case No. 2:04CV70366

Hon. Julian Abele Cook

Magistrate Judge R. Steven Whalen

ORIGINAL

U.S. DIST. COURT  
EAST DIST. MICH.  
SOUTHERN DIVISION

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FILED

MOTION AND BRIEF FOR ENTRY OF MISCELLANEOUS DISCOVERY ORDERS

## INTRODUCTION

Defendant Google Inc. ("Google") hereby requests that the Court enter the attached proposed orders concerning discovery that the Court ordered the parties to submit at the Case Management Conference on May 24, 2004. Defendant has repeatedly sought the concurrence of Plaintiff NetJumper, L.L.C. ("NetJumper") in this motion but such concurrence has not been forthcoming.

## BACKGROUND AND ARGUMENT

Just two weeks after the Case Management Conference on May 24, 2004, Defendant Google prepared and sent to plaintiff a draft stipulation and two proposed orders for entry as orally ordered by the Court. (*See* Ex. A, Stipulation on Discovery Matters *and* Ex. B, correspondence between parties). Despite repeated attempts by Google to get feedback or agreement on the draft stipulation and proposed orders, NetJumper did not respond until September 17, 2004.

On September 21, 2004, four days after receiving NetJumper's initial feedback on the draft stipulation and proposed orders, Google modified the documents consistent with NetJumper's feedback and returned them to NetJumper, requesting approval by September 23, 2004.

For some unknown reason, NetJumper has not yet approved or agreed to the revised stipulation and proposed orders. Plaintiff NetJumper's inaction is prejudicing Google's ability to defend itself, prosecute its case, and further discovery in this matter.

CONCLUSION

Google therefore requests that the Court enter the proposed orders concerning discovery, which the Court orally ordered the parties to submit during the Case Management Conference.

Respectfully Submitted,

By: 

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L. Pahl Zinn (P57516)  
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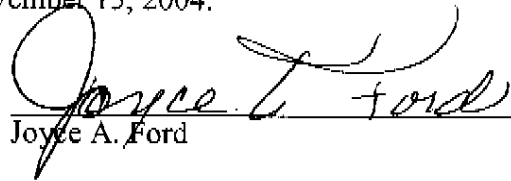
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Attorneys for Defendant Google, Inc.

Dated: November 15, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail/hand on November 15, 2004.

  
\_\_\_\_\_  
Joyce A. Ford

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
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ORIGINAL

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*Attorneys for Google Inc.*

U.S. DISTRICT COURT  
EASTERN DISTRICT OF  
DETROIT  
NOV 15 4 14 PM '04

FILED

**NOTICE OF HEARING**

TO: ALL COUNSEL,

PLEASE TAKE NOTICE that the Motion for Entry of Miscellaneous Discovery Orders will be brought on for hearing before the Hon. Julian Abclc Cook in his courtroom located at 231 W. Lafayette Blvd., Detroit, Michigan, at a date and time to be set by the Court.

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*Attorneys for Google Inc.*

Dated: November 15, 2004

DETROIT 28155-1 845403

A

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

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*Attorneys for Google Inc.*

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**STIPULATION ON DISCOVERY MATTERS**

Whereas, Plaintiff NetJumper, L.L.C. ("NetJumper") filed this action for patent infringement against Defendant Google Inc. ("Google") concerning U.S. Patent No. 5,890,172 (the '172 patent) and U.S. Patent No. 6,226,655 (the '655 patent), each patent naming multiple inventors, including foreign nationals and/or residents, which, on information and belief, were employed at the time of alleged invention by HCL Consulting and/or HCL Technologies Ltd., a foreign corporation, such named inventors including:



1. Rajat Bhatnagar, believed to be a citizen of India, whose last known address is in Stamford, Connecticut;
2. Arul Sebastian, believed to be a citizen of India, whose last known address is in Chennai, India;
3. Anup Mathur, believed to be a citizen of India, whose last known address is in Sunnyvale, California;
4. Vinay Wadhwa, believed to be a citizen of India, whose last known address is in New Delhi, India;
5. C. Vinay Kumar Singh, believed to be a citizen of India, whose last known address is in Guaragon, India; and
6. Mukesh Kumar, believed to be a citizen of India, whose last known address is in New Delhi, India.

Whereas, Google seeks discovery concerning the patents-in-suit, including discovery from the named inventors of the patents-in-suit and their respective employers.

Whereas, Google has filed trademark and related counterclaims against NetJumper, and, on information and belief, discoverable information related to the same is held by, Tucows Inc., a foreign corporation.

NetJumper and Google (the "Parties"), by and through their respective counsel of record, HEREBY STIPULATE AS FOLLOWS:

1. The Parties agree that Google may seek discovery from the foreign witnesses identified above, including document production and depositions, and the Court may issue orders concerning the same.
2. Google shall provide periodic status reports, in the form of a letter to the Court and opposing counsel, on the progress of this discovery. The first report shall be provided August 2, 2004, with reports to follow the first Court day of every second month thereafter.
3. The Parties agree that all objections as to the scope, admissibility, and otherwise of any discovery sought or information obtained are preserved.

Dated: November 15, 2004

SOMMERS, SCHWARTZ, SILVER &  
SCHWARTZ, P.C.

By: \_\_\_\_\_  
Andrew Kochanowski

Attorneys for Plaintiff  
NETJUMPER, L.L.C.

Dated: November 15, 2004

DICKINSON WRIGHT PLLC.

By: \_\_\_\_\_  
L. Pahl Zinn

Attorneys for Defendant  
GOOGLE INC.

#845379 v1 - StipulationDiscoveryMatters

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

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

Plaintiff,

v.

GOOGLE INC.,  
a California corporation

Defendant.

Civil Action No. 04-70366-CV  
Hon. Julian Abele Cook

Magistrate Judge R. Steven Whalen

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*Attorneys for Google Inc.*

---

**[PROPOSED] ORDER ON DISCOVERY MATTERS**

The Court, having considered the Stipulation on Discovery Matters executed by NetJumper, L.L.C. and Google Inc. (the "Parties"), hereby orders that

1. Google Inc. may seek the discovery, including document production and depositions from the foreign witnesses identified in the Parties' Stipulation and the Court may issue such orders concerning the same as appear necessary or required to effectuate such discovery within the United States or in a foreign jurisdiction.

2. Google Inc. shall provide periodic status reports, in the form of a letter to the Court and opposing counsel, on the progress of this discovery. The first report shall be provided August 2, 2004, with reports to follow the first Court day of every second month thereafter.

3. All objections as to the scope, admissibility, and otherwise of any discovery sought or information obtained are preserved.

IT IS SO ORDERED.

Dated: November \_\_\_\_\_, 2004

By: \_\_\_\_\_  
Hon. Julian Abele Cook  
United States District Judge

#845378 v1 - ProposedOrderDiscoveryMatters

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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

Plaintiff,

v.

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a California corporation

Defendant.

Civil Action No. 04-70366-CV  
Hon. Julian Abele Cook

Magistrate Judge R. Steven Whalen

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*Attorneys for Google Inc.*

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**[PROPOSED] ORDER ON DISCOVERY OF NAMED INVENTORS**

WHEREAS, Plaintiff NetJumper, L.L.C. ("NetJumper") filed this action for patent infringement against Defendant Google Inc. ("Google") concerning U.S. Patent No. 5,890,172 (the '172 patent) and U.S. Patent No. 6,226,655 (the '655 patent), each patent naming multiple inventors appearing to be foreign nationals and/or residents, said named inventors including:

1. Rajat Bhatnagar, believed to be a citizen of India, whose last known address is in Stamford, Connecticut;

2. Arul Sebastian, believed to be a citizen of India, whose last known address is in Chennai, India;
3. Anup Mathur, believed to be a citizen of India, whose last known address is in Sunnyvale, California;
4. Vinay Wadhwa, believed to be a citizen of India, whose last known address is in New Dehli, India;
5. C. Vinay Kumar Singh, believed to be a citizen of India, whose last known address is in Guaragon, India; and
6. Mukesh Kumar, believed to be a citizen of India, whose last known address is in New Dehli, India.

WHEREAS, Google seeks discovery concerning the patents-in-suit, including discovery from the named inventors of the patents-in-suit and their respective employer(s).

WHEREAS, NetJumper and Google (the "Parties"), by and through their respective counsel of record, have executed and submitted to the Court a STIPULATION ON DISCOVERY MATTERS, and the Court has entered a corresponding ORDER ON DISCOVERY MATTERS that such discovery is reasonable and necessary.

**IT IS HEREBY ORDERED THAT:**

Discovery upon the named inventors

1. Rajat Bhatnagar
2. Arul Sebastian
3. Anup Mathur
4. Vinay Wadhwa
5. C. Vinay Kumar Singh, and
6. Mukesh Kumar

concerning the patents-in-suit is reasonable and believed to be necessary in this action.

If so required by the United States of America, including the United States Department of State or United States Department of Homeland Security, such limited travel by the named inventors is for a legitimate business purpose and is sought for the administration of justice in an action pending in the United States District Court for the Eastern District of Michigan.

Discovery of the named inventor may be taken at a time and location agreed to by the Parties and the respective named inventors.

In the event that discovery may not or cannot be reasonably taken on any named inventors within the United States of America, the need for discovery upon United States of America soil in a foreign jurisdiction, such as a United States Consulate in India, is hereby recognized.

Dated: November \_\_\_\_\_, 2004

By: \_\_\_\_\_  
Hon. Julian Abele Cook  
United States District Judge

C



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June 7, 2004

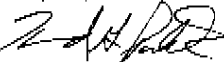
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2000 Town Center, Suite 900  
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Re: NetJumper, L.L.C. v. Google Inc.  
USDC-E.D. MI - Case No. 2:04CV70366

Dear Andy:

Consistent with our discussion with the Court at the Case Management Conference, attached is a draft stipulation and two corresponding orders for your review. I am available at your convenience to discuss these papers.

Very truly yours,



Howard G. Pollack

HGP/cms

50219330.doc

Encl.

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WASHINGTON, DC

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UNITED STATES DISTRICT COURT  
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*Attorneys for Google Inc.*

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Dated: June 7, 2004

SOMMERS, SCHWARTZ, SILVER &  
SCHWARTZ, P.C.

By: \_\_\_\_\_  
Andrew Kochanowski

Attorneys for Plaintiff  
NETJUMPER, L.L.C.

Dated: June 7, 2004

DICKINSON WRIGHT PLLC.

By: \_\_\_\_\_  
L. Pahl Zinn

Attorneys for Defendant  
GOOGLE INC.

DRAFT

UNITED STATES DISTRICT COURT  
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*Attorneys for Google Inc.*

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Dated: June \_\_\_\_\_, 2004

By: \_\_\_\_\_  
Hon. Julian Abele Cook  
United States District Judge

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
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2. Arul Sebastian
3. Anup Mathur
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6. Mukesh Kumar

concerning the patents-in-suit is reasonable and believed to be necessary in this action.

If so required by the United States of America, including the United States Department of State or United States Department of Homeland Security, such limited travel by the named inventors is for a legitimate business purpose and is sought for the administration of justice in an action pending in the United States District Court for the Eastern District of Michigan.

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Dated: June \_\_\_\_\_, 2004

By: \_\_\_\_\_  
Hon. Julian Abele Cook  
United States District Judge

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\*\*\* TX REPORT \*\*\*  
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Date June 7, 2004

To Andrew Kochanowski, Esq.  
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From Howard G. Pollack

Re NetDumper, L.L.C. v. Google Inc.  
USDC -E.D. MI - Case No. 04-70366

Number of pages 10  
Including this page

Message Please see attached.

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September 17, 2004

Via Facsimile:  
Howard Pollack  
Fish & Richardson  
500 Arguello Street, Ste. 500  
Redwood City, CA 94063

Re: NetJumper, L.L.C. v Google, Inc.  
USDC Case No. 04-70366

Dear Howard:

In response to your recent letter, this will clarify NetJumper's position.

To the extent that the inventors of the patents-in-suit have information concerning the patent, NetJumper's counsel will assert applicable attorney-client and/or work-product privileges to certain information which is likely in their possession. To that extent, therefore, it is inappropriate for Google to contact these individuals directly with respect to substantive knowledge in their possession and control. I am certain you feel the same way concerning NetJumper's discussions with former Google employees. If you disagree, please feel free to let me know.

I currently have no information concerning any of the named inventors present contact information. I have no information whether each inventor would voluntarily submit to a deposition.

SOMMERS, SCHWARTZ, SILVER & SCHWARTZ  
PROFESSIONAL CORPORATION

As far as your proposed orders, they are generally fine with the following exceptions. We would like the proposed stipulation to reflect that the stipulation is over NetJumper's objection as to the discovery of the named inventors and that all objections relating to the admissibility and attorney-client/work-product privilege relating to such discovery is preserved. As to the proposed order on discovery of named inventors, the language "to discovery of the named inventor may be taken at a time and location agreed to by Google and the respective named inventors" is not acceptable. The time and location must be acceptable to NetJumper.

My associate has attempted to have you stipulate to change the caption to reflect that the party plaintiff is "NetJumper Software, LLC" rather than "NetJumper, LLC." I do not understand why this is an issue, but remain hopeful that we can avoid having to ask the Court via motion for this administrative change.

Very truly yours,

SOMMERS, SCHWARTZ, SILVER & SCHWARTZ, P.C.



Andrew Kochanowski

AK:dlh

cc: Nabeel Hamameh

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**TO: Howard Pollack**  
**Fax: (650) 839-5071**

**FROM: Andrew Kochanowski, Esq.**

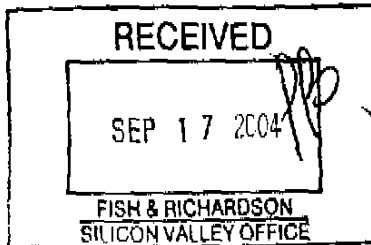
**DATE: September 17, 2004**

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# FISH & RICHARDSON P.C.

Frederick P. Fish  
1855-1930

W.K. Richardson  
1859-1951

## VIA FACSIMILE

September 21, 2004

Andrew Kochanowski, Esq.  
Sommers, Schwartz, Silver & Schwartz, P.C.  
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Re: NetJumper, L.L.C. v. Google Inc.  
USDC-E.D. MI - Case No. 2:04CV70366

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NEW YORK

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TWIN CITIES

WASHINGTON, DC

Dear Andy:

I reply to your letter of Friday, September 17 concerning outstanding discovery issues.

While you never expressly state it, it is clear from your letter that you do not represent any of the named inventors, or any of the other individuals and entities identified in Google's initial disclosures for that matter. With respect to any former employees or consultants, we understand that they may have information that you may assert is confidential and/or privileged. We will be contacting these individuals as an initial matter, only to secure their participation in the discovery process. We will, of course, not explore the witnesses' substantive knowledge in any areas that could arguably be considered confidential or privileged without giving NetJumper the required notice and opportunity to participate in their examination.

We have amended the [Proposed] Order on Discovery of Named Inventors to indicate that all objections are preserved and that the time and location should be agreeable to all the Parties. A concern we have is that you not unreasonably object to all dates in the proposed window of dates likely to be offered by the U.S. Consul's offices, should the depositions proceed in a foreign sovereign. It is on this understanding that the amendment is made.

Attached are our changes to the proposed stipulation and orders reflecting your comments. We intend to file the stipulation and proposed order on Friday, September 24, so please let us know by close of business Thursday, September 23 if you have any other comments.

With respect to your stipulation concerning the amendments to the case caption and pleadings, we orally communicated our concerns to Mr. Hamameh on August 20, 2004. Nevertheless, attached is a redline copy showing our proposed changes.

FISH & RICHARDSON P.C.

Andrew Kochanowski, Esq.

September 21, 2004

Page 2

Please call me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. Pollack", written over a horizontal line.

Howard G. Pollack

Enclosures

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

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

Plaintiff,

v.

GOOGLE INC.,  
a California corporation

Defendant.

Civil Action No. 04-70366-CV  
Hon. Julian Abele Cook

Magistrate Judge R. Steven Whalen

---

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*Attorneys for Google Inc.*

---

**STIPULATION ON DISCOVERY MATTERS**

Whereas, Plaintiff NetJumper, L.L.C. ("NetJumper") filed this action for patent infringement against Defendant Google Inc. ("Google") concerning U.S. Patent No. 5,890,172 (the '172 patent) and U.S. Patent No. 6,226,655 (the '655 patent), each patent naming multiple inventors, including foreign nationals and/or residents, which, on information and belief, were employed at the time of alleged invention by HCL Consulting and/or HCL Technologies Ltd., a foreign corporation, such named inventors including:



1. Rajat Bhatnagar, believed to be a citizen of India, whose last known address is in Stamford, Connecticut;
2. Arul Sebastian, believed to a citizen of India, whose last known address is in Chennai, India;
3. Anup Mathur, believed to be a citizen of India, whose last known address is in Sunnyvale, California;
4. Vinay Wadhwa, believed to be a citizen of India, whose last known address is in New Dehli, India;
5. C. Vinay Kumar Singh, believed to be a citizen of India, whose last known address is in Guaragon, India; and
6. Mukesh Kumar, believed to be a citizen of India, whose last known address is in New Dehli, India.

Whereas, Google seeks discovery concerning the patents-in-suit, including discovery from the named inventors of the patents-in-suit and their respective employers.

Whereas, Google has filed trademark and related counterclaims against NetJumper, and, on information and belief, discoverable information related to the same is held by, Tucows Inc., a foreign corporation.

NetJumper and Google (the "Parties"), by and through their respective counsel of record, **HEREBY STIPULATE AS FOLLOWS:**

1. The Parties agree that Google may seek discovery from the foreign witnesses identified above, including document production and depositions, and the Court may issue orders concerning the same.
2. Google shall provide periodic status reports, in the form of a letter to the Court and opposing counsel, on the progress of this discovery. The first report shall be provided August 2, 2004, with reports to follow the first Court day of every second month thereafter.
3. The Parties agree that all objections as to the scope, admissibility, and otherwise of any discovery sought or information obtained are preserved.

Dated: September 21, 2004

SOMMERS, SCHWARTZ, SILVER &  
SCHWARTZ, P.C.

By: \_\_\_\_\_  
Andrew Kochanowski

Attorneys for Plaintiff  
NETJUMPER, L.L.C.

Dated: September 21, 2004

DICKINSON WRIGHT PLLC.

By: \_\_\_\_\_  
L. Pahl Zinn

Attorneys for Defendant  
GOOGLE INC.

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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

Plaintiff,

v.

GOOGLE INC.,  
a California corporation

Defendant.

Civil Action No. 04-70366-CV  
Hon. Julian Abele Cook

Magistrate Judge R. Steven Whalen

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---

**[PROPOSED] ORDER ON DISCOVERY MATTERS**

The Court, having considered the Stipulation on Discovery Matters executed by NetJumper, L.L.C. and Google Inc. (the "Parties"), hereby orders that

1. Google Inc. may seek the discovery, including document production and depositions from the foreign witnesses identified in the Parties' Stipulation and the Court may issue such orders concerning the same as appear necessary or required to effectuate such discovery within the United States or in a foreign jurisdiction.

2. Google Inc. shall provide periodic status reports, in the form of a letter to the Court and opposing counsel, on the progress of this discovery. The first report shall be provided August 2, 2004, with reports to follow the first Court day of every second month thereafter.

3. All objections as to the scope, admissibility, and otherwise of any discovery sought or information obtained are preserved.

IT IS SO ORDERED.

Dated: September \_\_\_\_\_, 2004

By: \_\_\_\_\_  
Hon. Julian Abele Cook  
United States District Judge

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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

Plaintiff,

v.

GOOGLE INC.,  
a California corporation

Defendant.

Civil Action No. 04-70366-CV  
Hon. Julian Abele Cook

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*Attorneys for Google Inc.*

---

**[PROPOSED] ORDER ON DISCOVERY OF NAMED INVENTORS**

WHEREAS, Plaintiff NetJumper, L.L.C. ("NetJumper") filed this action for patent infringement against Defendant Google Inc. ("Google") concerning U.S. Patent No. 5,890,172 (the '172 patent) and U.S. Patent No. 6,226,655 (the '655 patent), each patent naming multiple inventors appearing to be foreign nationals and/or residents, said named inventors including:

1. Rajat Bhatnagar, believed to be a citizen of India, whose last known address is in Stamford, Connecticut;

2. Arul Sebastian, believed to a citizen of India, whose last known address is in Chennai, India;
3. Anup Mathur, believed to be a citizen of India, whose last known address is in Sunnyvale, California;
4. Vinay Wadhwa, believed to be a citizen of India, whose last known address is in New Dehli, India;
5. C. Vinay Kumar Singh, believed to be a citizen of India, whose last known address is in Guaragon, India; and
6. Mukesh Kumar, believed to be a citizen of India, whose last known address is in New Dehli, India.

WHEREAS, Google seeks discovery concerning the patents-in-suit, including discovery from the named inventors of the patents-in-suit and their respective employer(s).

WHEREAS, NetJumper and Google (the "Parties"), by and through their respective counsel of record, have executed and submitted to the Court a STIPULATION ON DISCOVERY MATTERS, and the Court has entered a corresponding ORDER ON DISCOVERY MATTERS that such discovery is reasonable and necessary.

**IT IS HEREBY ORDERED THAT:**

Discovery upon the named inventors

1. Rajat Bhatnagar
2. Arul Sebastian
3. Anup Mathur
4. Vinay Wadhwa
5. C. Vinay Kumar Singh, and
6. Mukesh Kumar

concerning the patents-in-suit is reasonable and believed to be necessary in this action.

If so required by the United States of America, including the United States Department of State or United States Department of Homeland Security, such limited travel by the named inventors is for a legitimate business purpose and is sought for the administration of justice in an action pending in the United States District Court for the Eastern District of Michigan.

Discovery of the named inventor may be taken at a time and location agreed to by the Parties and the respective named inventors.

In the event that discovery may not or cannot be reasonably taken on any named inventors within the United States of America, the need for discovery upon United States of America soil in a foreign jurisdiction, such as a United States Consulate in India, is hereby recognized.

Dated: September \_\_\_\_\_, 2004

By: \_\_\_\_\_  
Hon. Julian Abele Cook  
United States District Judge



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NETJUMPER SOFTWARE, L.L.C.,  
a Michigan limited liability corporation,

Plaintiff,

vs.

GOOGLE, INC.,  
a ~~Delaware~~California corporation,

Defendant.

Case No. 04-70366-CV  
Hon. Julian Abele Cook  
Magistrate Judge R. Steven Whalen

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**STIPULATION AND ORDER TO AMEND CASE CAPTION**

WHEREAS Netjumper Software, L.L.C., is the real party in interest to the patents-in-  
suit, and Netjumper Software, L.L.C. is also the proper party to defend against Defendant and  
Counterclaim Plaintiff Google, Inc.'s counterclaims arising from activity at the Goograb.com

domain, and Defendant and Counterclaim Plaintiff Google Inc. is misidentified in the case caption with a punctuation error and as a California corporation..

~~THEREFORE, the~~ ~~the~~ parties hereby stipulate and agree that the case caption should be amended to correctly name the Plaintiff and Counterclaim Defendant as Netjumper Software, L.L.C. and the Defendant and Counterclaim Plaintiff as Google Inc., a Delaware corporation. The parties further stipulate and agree that all pleadings preceding this Order that reference Netjumper, L.L.C. shall be deemed to correctly reference Netjumper Software, L.L.C.

### ORDER

**THIS MATTER** having come before the Court upon the foregoing stipulations of the Parties, and the Court being fully advised in the premises,

**IT IS HEREBY ORDERED** that the case caption shall be amended to correctly name the Plaintiff and Counterclaim Defendant as Netjumper Software, L.L.C. and to correctly identify the Defendant and Counterclaim Plaintiff as Google Inc., a Delaware corporation.

**IT IS FURTHER ORDERED** that all pleadings preceding this Order that reference Netjumper, L.L.C. shall be deemed to correctly reference Netjumper Software, L.L.C.

\_\_\_\_\_  
**Magistrate Judge R. Steven Whalen**

Approved and Agreed upon:

\_\_\_\_\_  
SOMMERS, SCHWARTZ, SILVER  
& SCHWARTZ, PC

\_\_\_\_\_  
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DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NETJUMPER SOFTWARE, L.L.C.,  
a Michigan limited liability corporation,

Plaintiff,

vs.

GOOGLE, INC.,  
a California-Delaware corporation,

Defendant.

Case No. 04-70366-CV  
Hon. Julian Abele Cook  
Magistrate Judge R. Steven Whalen

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Date September 21, 2004

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From Howard G. Pollack

Re NetJumper, L.L.C. v. Google Inc.  
USDC -E.D. MI - Case No. 04-70366

Number of pages including this page 16

Message Please see attached.