

**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

Hon. Julian Abele Cook

v.

Magistrate Judge R. Steven Whalen

GOOGLE INC.,
a Delaware corporation,

Defendant/Counterclaim
Plaintiff.

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**STIPULATED ORDER RESOLVING NETJUMPER'S MOTION TO COMPEL
COMPLIANCE WITH AGREEMENT TO PRODUCE GOOGLE WITNESSES AFTER CLOSE OF
DISCOVERY, DATED JANUARY 24, 2006**

Plaintiff NetJumper Software, L.L.C. (“NetJumper”) and Defendant Google Inc. (“Google”) having resolved their differences with regard to NetJumper’s Motion to Compel Compliance with Agreement to Produce Google Witnesses After Close of Discovery, dated January 24, 2006, IT IS HEREBY ORDERED AS FOLLOWS:

1. NetJumper’s Motion to Compel Compliance with Agreement to Produce Google Witnesses After Close of Discovery, dated January 24, 2006 is dismissed without prejudice as a result of the parties reaching an agreement on the issues pending therein.

2. Google shall provide a date certain for Eric Fredricksen’s deposition, depending upon his availability, sometime after February 8, 2006, but before trial.

3. In the event that John Piscitello, who is currently traveling outside the United States, returns to the United States before trial, Google will not object to producing him for deposition on a date he is available. In the event that the trial date is adjourned or moved until after such time as Mr. Piscitello has returned to the United States, depending on Mr. Piscitello’s availability, Google shall not object to producing him for deposition.

4. Google shall reconvene the deposition of Google, pursuant to Rule 30(b)(6), for Topics 2, 20, and 22 of NetJumper’s Notice of Deposition, dated October 11, 2005, subject to the objections stated in Google’s Objections to the Notice, dated October 19, 2005 (“the objections”).

a. Google shall provide another date for the deposition of its Rule 30(b)(6) witness on Topics 2, 20, and 22, subject to the objections within 21 days of entry of this Order.

5. Google shall provide a supplemental response to Interrogatory No. 6 of NetJumper’s Second Set of Interrogatories within ten (10) days of the date this Stipulated Order is filed. Subject to Google’s objections to this interrogatory, such supplemental response will address Google’s determination that it cannot provide the number of downloads of the Google Toolbar as well as the steps Google has taken to make that determination, subject to Google’s objections on privilege and work product grounds. After receiving the supplemental response, should NetJumper deem it necessary, Google will provide a date for the deposition of a witness able to testify about the supplemental response to Interrogatory No. 6 within 14 days of such notification.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: February 15, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on February 15, 2006.

S/Gina Wilson
Judicial Assistant

The parties stipulate to entry of the above Order:

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