

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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GOOGLE INC.,)
a Delaware corporation,)
)
Plaintiff,) CV-05-1779 (TCP)(ETB)
)
v.)
)
RICHARD WOLFE d/b/a FROOGLES. COM,)
an individual,)
)
Defendant.)
-----)

Motion for Further Extension of Time to File Answer

For the reasons stated in the attached Declaration of Stephen L. Humphrey, Esq.,

Defendant Richard Wolfe, d/b/a FROOGLES. COM hereby moves for an enlargement of time of 30 days through June 24, 2005, to file his Answer or otherwise respond to Plaintiff's complaint.

Dated: May 24, 2005

/s/ Jayni Edelstein Alegria
Jayni Edelstein Alegria (JE 2408)
CAMERON & HORNOSTEL LLP
866 United Nations Plaza
New York, N.Y. 10017
(646) 840-6666
and
818 Connecticut Ave., N.W.
Washington, DC 20006
(202) 293-4690

Attorneys for Defendant

Certificate of Service

I hereby certify that on May 24, 2005, I caused a copy of the following:

- (a) the foregoing Motion for Further Extension of Time to File Answer; and
- (b) the accompanying Declaration of Stephen L. Humphrey in Support of Defendant's Motion for Further Extension of Time to File Answer;

to be served by first class mail, postage prepaid, on counsel for Applicant, Virginia R. Richard, Esq., WINSTON & STRAWN LLP, 200 Park Avenue, New York, New York 10166.

/s/ Stephen L. Humphrey

Stephen L. Humphrey

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**Declaration of Stephen L. Humphrey in Support of Defendant's
Motion for Further Extension of Time to File Answer**

Stephen L. Humphrey declares, under penalty of perjury, as follows:

1. I am a partner in the law firm of Cameron & Hornbostel LLP ("C&H"). I make this declaration upon my personal knowledge and belief, and in support of Mr. Wolfe's motion to extend by 30 days the time to file his answer or otherwise respond to the complaint. The present due date is May 25, 2005.
2. C&H represents defendant Richard Wolfe, d/b/a FROOGLES.com in the opposition proceeding now pending before the Trademark Trial and Appeal Board ("TTAB"), in the United States Patent and Trademark Office. Mr. Wolfe instituted that proceeding in March 2004. C&H has conducted discovery in that proceeding on behalf of Mr. Wolfe and in December 2004 filed a motion for summary judgment, asking the TTAB to sustain Mr. Wolfe's opposition and refuse Google's application to register the mark FROOGLE. The motion is pending. Shortly after the opposition proceeding was instituted, Google filed a complaint under the Uniform

Domain Name Dispute Resolution Policy (“UDRP”) in an attempt to have Mr. Wolfe’s domain name FROOGLES.com taken from him and transferred to Google. C&H represented Mr. Wolfe in that proceeding. The panel appointed to decide that case dismissed Google’s complaint.

3. Mr. Wolfe has asked C&H to represent him in the instant proceeding. Mr. Wolfe’s answer or other response to the complaint is presently due May 25, 2005, pursuant to a stipulated order extending the original date by 20 days.

4. Mr. Wolfe and C&H are exploring financial and other considerations in seeking to determine how best to proceed, but have not yet reached an agreement whereby C&H could commit to representing Mr. Wolfe in this federal litigation. At the same time, Mr. Wolfe wishes to avoid having a judgment entered against him by default. Therefore, to allow time for full consideration of the various issues presented, Defendant Wolfe requests an additional period of 30 days from May 25, 2005 in which to answer or otherwise respond to Google’s sixty-eight page, six-count complaint.

5. On May 23, 2005, I sent an email to Google’s counsel, Virginia Richards, Esq., requesting her consent to the 30-day extension. In response to that message Ms. Richards called me today at 3:00 PM. We discussed the extension but she indicated she would prefer to see our motion before deciding whether to consent to the requested extension of time.

/s/Stephen L. Humphrey
Stephen L. Humphrey

Dated: May 24, 2005
Washington, DC