

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF TEXAS
 AUSTIN DIVISION

SBJ HOLDINGS 1, LLC	§	
	§	
V.	§	Case Number: 1:07-mc-000729-SS
	§	
NETFLEX, INC., AMAZON.COM, INC., and BORDERS GROUP, INC.	§	

Joint Notice Regarding Subpoena and Motion for Protection

On August 29, 2007 the Court entered an order granting Third Party Vignette Corporation’s Motion for Protection and to Modify Subpoena by Defendants. Pursuant to that order, the parties are filing this notice regarding their conference on the scope of the subpoena requests and proper protection of Vignette’s confidential information.

Ryan A. Tyz, counsel of record for Defendants Netflix, Inc., Amazon.Com, Inc., and Borders Group, Inc. and Susan Dillon Ayers, counsel of record for Third Party Vignette, conferred on September 5th and 6th. They are engaged in ongoing, good faith negotiations regarding these matters and believe that the parties will be able to resolve them without further intervention by this Court.

Defendants have presented Vignette with a written proposal that prioritizes the documents and information that are relevant to Defendant’s invalidity contentions which are due October 10, 2007. Vignette is evaluating that proposal and the burden it would impose on Vignette. As soon as Vignette has completed that analysis, the parties

will confer and file another notice with the Court advising whether a final agreement has been reached.

Respectfully submitted,

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