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EAGLE BROADBAND, INC.

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SANTA CLARA

11 EAGLE BROADBAND, INC.,
12 Plaintiff,
13 vs.
14 DOES 1 through 25, inclusive,
15 Defendants.

CASE NO. 1-05-CV-050179
STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING ON
THE SPECIAL MOTION TO STRIKE
FILED BY DEFENDANT DAVID
MOWERS A/K/A DOE 2 AND
MODIFYING BRIEFING SCHEDULE
RELATED THERETO

Dept: 2
Judge: Hon. William J. Elfving

Complaint Filed: October 5, 2005
Trial Date: None Set

1 Plaintiff EAGLE BROADBAND, INC. ("Eagle") and Defendant David Mowers a/k/a
2 "team_3339" a/k/a DOE 2 ("Mr. Mowers"), by and through their respective counsel hereby enter
3 into this Third Stipulation and [Proposed] Order Continuing Hearing on his Special Motion to
4 Strike and Modifying Briefing Schedule Related Thereto ("Stipulation").

5 WHEREAS, Mr. Mowers' Special Motion to Strike the Complaint Pursuant to California
6 Code of Civil Procedure Section 425.16 ("Special Motion to Strike") is currently scheduled to be
7 heard by this Court at 9:00 a.m. on January 25, 2007.

8 WHEREAS, the parties wish to reschedule the hearing date on a mutually convenient and
9 agreeable date and time, as well as modify the briefing schedule in a mutually acceptable manner
10 that takes into account the schedules of the parties' respective counsel.

11 NOW THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff Eagle
12 Broadband, Inc. and Defendant David Mowers, by and through their respective counsel, that:

13 1. The January 26, 2007 hearing on Mr. Mowers' Special Motion to Strike and the
14 briefing schedule based thereon is hereby vacated.

15 2. Eagle must file and serve, by hand delivery, its supplemental opposition to
16 Defendants' Special Motion to Strike on or before February 23, 2007.

17 3. Mr. Mowers must file and serve, by hand delivery, his supplemental reply brief in
18 support of his Special Motion to Strike on or before March 1, 2007.

19 4. Oral argument on Mr. Mowers' Special Motion to Strike will be heard in
20 Department 2 of this Court at 9:00 a.m. on March 8, 2007.

21 5. Any party may sign this Stipulation by facsimile or electronic signature and such
22 signature shall be treated as an original and shall be fully enforceable.

23 Dated: January __, 2007

BUCHANAN, INGERSOLL & ROONEY, LLP

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25
26 By 

Karineh Khachatourian

Attorneys for Plaintiff
EAGLE BROADBAND, INC.

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Dated: January 4, 2007

FISH & RICHARDSON PC

By Shelley K. Mack
Shelley K. Mack
Counsel for Defendant
DAVID MOWERS A/K/A DOE 2

ORDER

Pursuant to this Stipulation and good cause appearing, it is so ordered.

Dated: 1/5/07

William J. Elfving
Honorable William J. Elfving
Judge of the Superior Court

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