	Case 5:05-cv-02579-RMW Document 18	Filed 09/14/2005 Page 1 of 3
1 2 3 4 5 6 7		E-FILED on <u>9/14/05</u>
8	IN THE UNITED ST	ATES DISTRICT COURT
9	FOR THE NORTHERN	DISTRICT OF CALIFORNIA
10	SAN JOS	SE DIVISION
11		
12	CLICK DEFENSE, INC., a Colorado corporation, individually and on behalf of all others	No. C-05-02579 RMW
13	similarly situated,	ORDER (1) GRANTING DEFENDANTS' MOTION TO DISMISS AND (2) DENYING
14	Plaintiffs,	AS MOOT PLAINTIFFS' MOTION TO ENLARGE TIME TO FILE AN OPPOSITION
15	V.	TO DEFENDANTS' MOTION TO DISMISS
16	GOOGLE, INC., a Delaware corporation, and DOES 1 through 100, inclusive,	[Re Docket No. 8, 14]
17 18	Defendants.	
18 19		
20	Click Defense, Inc. ("Click Defense") sued	Google, Inc. ("Google") for (1) breach of contract, (2)
21	unfair business practices, (3) unjust enrichment, and	(4) violation of California Business and Professions
22	Code §§ 17200, et seq. On July 27, 2005 Google	moved to dismiss Click Defense's negligence and
23		filed an opposition to Google's motion on August 19,
24		osition had expired. Click Defense then filed a motion to
25		ad the parties' papers and considered their arguments.
26		s Google's motion to dismiss and (2) denies as moot
27	Click Defense's motion to enlarge time.	
28	ORDER (1) GRANTING DEFENDANTS' MOTION TO DIS ENLARGE TIME TO FILE AN OPPOSITION TO DEFEND —C-05-02579 RMW DOH	MISS AND (2) DENYING AS MOOT PLAINTIFFS' MOTION TO ANTS' MOTION TO DISMISS

1	Click Defense has agreed to dismiss its negligence cause of action. See Opp. Mot. Dism. at 2:21-
2	25 ("with respect to the cause of action for negligence, [p]laintiffs will not oppose the motion to dismiss").
3	In addition, at oral argument, counsel agreed to stipulate that Google will not challenge the enforceability of
4	the AdWords Program Terms in return for Click Defense dismissing its unjust enrichment cause of action.
5	The court dismisses these claims. ¹
6	
7	III. ORDER
8	For the foregoing reasons, the court (1) grants Google's motion to dismiss Click Defense's
9	negligence and unjust enrichment causes of action and (2) denies as moot Click Defense's motion for
10	enlargement of time.
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13	DATED: <u>9/14/05</u> /s/ Ronald M. Whyte RONALD M. WHYTE
14	United States District Judge
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27	¹ Click Defense's motion to enlarge time is thus moot.
28	ORDER (1) GRANTING DEFENDANTS' MOTION TO DISMISS AND (2) DENYING AS MOOT PLAINTIFFS' MOTION TO ENLARGE TIME TO FILE AN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS
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7	Counsel are responsible for distributing copies of this document to co-counsel that have not registered for
8	e-filing under the court's CM/ECF program.
9	
10	
11	Dated: 9/14/05 DOH Chambers of Judge Whyte
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