

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AARON C. BORING and CHRISTINE BORING, husband and wife respectively,)	
)	
Plaintiffs,)	
)	Civil Action No. 08-cv-694 (ARH)
v.)	
)	
GOOGLE INC., a California corporation,)	
)	
Defendant.)	
)	

DEFENDANT GOOGLE INC.’S RULE 68 OFFER OF JUDGMENT

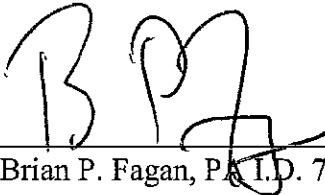
Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendant Google Inc. (“Google”) hereby offers to allow judgment to be taken against it as follows: Google shall pay to Plaintiffs the sum of \$10.00, which is the total amount that Google shall be obligated to pay on account of any liability claimed herein and which shall include any liability for costs of suit and attorneys’ fees incurred by Plaintiffs. Such amount shall be paid within thirty (30) days after Google and Plaintiffs jointly file a dismissal of this action with prejudice.

Pursuant to Rule 68, this offer is revocable and unconditional, and lapses by operation law if not accepted within ten (10) days. Evidence of this offer is not admissible except in a proceeding to determine costs. If the judgment finally obtained by Plaintiffs is not more favorable than this offer, Plaintiffs must pay all costs incurred after the date Google made this offer.

This offer is made for the purposes specified in Rule 68 and is not to be construed as an admission that Google is liable in this action, or that Plaintiffs have suffered any damages.

Dated: April 6, 2010

KEEVICAN WEISS BAUERLE & HIRSCH LLC

By: 
Brian P. Fagan, PA I.D. 72203

Of Counsel:
WILSON SONSINI GOODRICH &
ROSATI PC
Tonia Ouellette Klausner*
Joshua A. Plaut*
1301 Avenue of the Americas
New York, NY 10019
Phone: 212-999-5800

1001 Liberty Avenue
11th Floor, Federated Investors Tower
Pittsburgh, PA 15222-3725
Phone: 412-355-2600

Counsel for Defendant Google Inc.

*admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify, this 6th day of April, 2010, that a true and correct copy of the foregoing **DEFENDANT GOOGLE INC.'S RULE 68 OFFER OF JUDGMENT** was served via electronic mail to the following counsel of record for Plaintiffs:

Gregg Zegarelli, Esq.
gregg.zegarelli@zegarelli.com

Dennis M. Moskal, Esq.
dmm@zegarelli.com
Allegheny Building, 12th Floor
Pittsburgh, PA 15219-1616
(412) 764-0405
(Counsel for Plaintiffs)

/s/ Brian P. Fagan

Brian P. Fagan, PA I.D. 72203
KEEVICAN WEISS BAUERLE &
HIRSCH LLC
1001 Liberty Avenue
11th Floor, Federated Investors Tower
Pittsburgh, PA 15222-3725
Phone: 412.355.2600
E-mail: bfagan@kwbhlaw.com

Counsel for Defendant Google Inc.