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Attorneys for Plaintiff  
 BE IN INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

BE IN INC., a New York Corporation,  
 Plaintiff,

v.

GOOGLE INC., a California corporation;  
 YOUTUBE, LLC, A Delaware limited  
 liability company; and GOOGLE UK LTD., a  
 private limited company registered in England  
 and Wales,

Defendants.

Case No. 5:12-CV-03373-LHK-HRL

**PLAINTIFF'S  
 ADMINISTRATIVE MOTION  
 FOR EXTENSION OF TIME TO  
 FILE THIRD AMENDED  
 COMPLAINT**

The Honorable Lucy H. Koh

Trial Date: Jan. 12, 2015

TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Northern District of California Local  
 Rules 6-3 and 7-11, Be In Inc. hereby moves the Court for a 30-day extension of time for filing its  
 Third Amended Complaint. This motion is based upon and supported by the Memorandum of  
 Points and Authorities, the concurrently filed Declaration of Charles S. Barquist, all papers and

1 records on file herein, and such other and further oral and documentary evidence as this Court  
2 deems necessary.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 Pursuant to this Court's October 9, 2013 order granting Defendants' motion to dismiss  
5 and granting leave to amend claims one and three, any amended complaint must be filed by  
6 November 1, 2013. (D.I. 80.) Be In is in the process of retaining new counsel to replace  
7 Morrison & Foerster. (Barquist Decl. ¶ 2.) Be In respectfully requests that the Court grant a  
8 30-day extension for the filing of its amended complaint so that it can complete the process of  
9 retaining new counsel and allow new counsel time to familiarize themselves with the record in  
10 this case so that they can make the necessary decisions, in consultation with Be In, regarding the  
11 filing of a Third Amended Complaint. (*Id.*) Without the extension of time, Be In will be  
12 burdened and prejudiced because it will not be able to use its new counsel for the filing of its  
13 Third Amended Complaint.

14 There have been no previous time modifications in the case. A 30-day extension should  
15 not result in the delay of trial, which is set for January 12, 2015. On October 21, 2013, Be In  
16 provided a draft copy of this motion to counsel for Defendants, and asked Defendants to stipulate  
17 to the extension. (Barquist Decl. ¶ 3.) Defendants advised that they would file a "conditional  
18 opposition" to the motion. (*Id.*) Defendants further advised Plaintiff that they would file their  
19 papers by noon on Thursday, October 24, 2013.

20 For the above reasons, Be In requests that the Court enter an order granting this Motion  
21 and extending Be In's deadline for filing its Third Amended Complaint to December 2, 2013.

22 Dated: October 21, 2013

MORRISON & FOERSTER LLP

24 By: /s/ Charles S. Barquist  
Charles S. Barquist

26 Attorneys for Plaintiff  
BE IN INC.