

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

FLOWBEE INTERNATIONAL, INC.
and FLOWBEE HAIRCUTTER
LIMITED PARTNERSHIP,

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Plaintiffs,

v.

Civil Action No. C-09-199

GOOGLE INC.,

Defendant.

**DEFENDANT GOOGLE INC.’S MOTION FOR LEAVE TO FILE A REPLY BRIEF
TO ITS PENDING MOTION TO DISMISS**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS:

COMES NOW Defendant Google Inc. (“Google”) files this Motion for Leave to File a
Reply Brief to its pending Motion to Dismiss and would show as follows:

1. On September 14, 2009, Google Inc. filed its Motion to Dismiss.
2. The Court raised the issue of Google’s Motion to Dismiss at the Case Management Conference on September 23, 2009. When Plaintiffs’ attorney stated that Plaintiffs intended to respond to Google’s motion, the Court stated that Google would have a chance to respond to Plaintiffs’ response. [Declaration of Christopher V. Goodpastor, dated October 2, 2009, ¶ 3, Ex. B 4:5-25.](#)
3. On October 2, 2009, Plaintiffs Flowbee International, Inc. and Flowbee Haircutter Limited Partnership (“Plaintiffs”) filed their Response to Defendant’s Motion to Dismiss. Plaintiffs’ Response raises new factual and legal issues not addressed by Google’s initial motion.

To clarify its position and provide the Court with its response to these additional legal and factual issues, Google respectfully requests leave to file its Reply Memorandum of Law in Support of Its Motion to Dismiss, which is attached hereto as Exhibit “A.” This relief is not sought for purposes of delay, but rather so justice may be done. Good cause exists to allow such leave.

WHEREFORE Google Inc. respectfully seeks leave to file the attached Reply Brief to its Motion to Dismiss and for any additional relief at law or in equity to which it is so entitled.

Respectfully submitted,

s/ Margret M. Caruso
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ATTORNEYS FOR DEFENDANT GOOGLE INC.

CERTIFICATE OF CONFERENCE

I hereby certify that on October 6, 2009, counsel for Movant Google Inc. called and emailed counsel for Respondents Flowbee International, Inc. and Flowbee Haircutter Limited Partnership about the Motion. As of the time this motion was filed, Defendant has received no response as to whether Plaintiffs oppose the Motion. Defendant will file an amended certificate of conference as soon as Defendant's counsel is made aware as to whether or not Plaintiffs oppose the Motion.

s/ Margret M. Caruso
Margret M. Caruso

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2009, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Southern District of Texas, using the electronic case files system of the court. The electronic case files system sent a “Notice of Electronic Filing” to individuals who have consented in writing to accept this Notice as service of this document by electronic means. All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by first class mail today, October 6, 2009.

s/ Margret M. Caruso
Margret M. Caruso