

# EXHIBIT A




No such substantial reason appears here. Plaintiffs sought leave to amend their complaint early, before the scheduling conference in this case. Such timely amendment does not ordinarily qualify as undue delay. *See, e.g., Advanced Neuromodulation Sys., Inc. v. Advanced Bionics Corp.*, No. 4:04-cv-131-RAS, Dkt. No. 48 (E.D. Tex. Jan 28, 2005); *Tender Cellular of Tex., LLC v. Mercedes-Benz USA, LLC*, No. 6:11-cv-178-LED-JDL, Dkt. No. 96 (E.D. Tex. Apr. 3, 2012). Google argues that Plaintiffs knew of the facts and circumstances alleged in its proposed amendment at the time that it filed its original complaint (Dkt. No. 56, at 4-5). This is pure speculation, however; Plaintiffs assert to the contrary that the timing of its amendments proceeds from their diligent investigation of the accused products. No undue delay, bad faith, or dilatory motive is evident.

Neither is there undue prejudice to the defendants in allowing Plaintiffs leave to amend. Discovery in this case has barely begun, and Google has long been on notice that this suit involves seven patents. Indeed, Google has filed a related action in California addressing all seven of the patents-in-suit, so Google's litigation team is *already* preparing for action on these patents.

In these circumstances, the Court finds that Plaintiffs' motion for leave to amend (Dkt. No. 45) should be and hereby is **GRANTED**.

**So ORDERED and SIGNED this 1st day of July, 2014.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE