

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PERSONALIZED USER MODEL, L.L.P.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 09-525-LPS
)	
GOOGLE INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	

**EMERGENCY MOTION FOR EXTENSION OF TIME TO SERVE
REBUTTAL EXPERT REPORTS**

Defendant Google Inc. (“Google”) respectfully moves for a short extension of time to serve rebuttal expert reports. The current deadline for the parties to serve rebuttal expert reports is September 28, 2012. Google asked Plaintiff for a short extension of time until Tuesday October 2 or Wednesday, October 3. Defendant requests this limited additional time to complete the rebuttal report to Plaintiff’s two infringement reports in particular given their breadth, they span approximately 350 pages, and to allow sufficient time for attorney and client review. Several of the attorneys for Defendant are also presently dealing with multiple pre-trial filings in a matter pending in the Eastern District of Virginia set for trial on October 16, 2012.

PUM refused to agree to any extension, even though it pointed to no prejudice.¹ Nor could it, given the first expert deposition is not scheduled until November 5, the deposition of Google’s rebuttal expert of non-infringement is scheduled for November 20, and dispositive motions are not due until December 3. The extension would affect no other deadlines.

Accordingly, Google requests that the September 6, 2012 Order Regarding Stipulation

¹ Plaintiff indicated it simply wanted to “keep the case moving.” Yet, PUM itself recently requested that Google agree to extend the time for PUM’s Opposition to Defendants’ motion to stay and Google did not oppose. (D.I. 395).

Regarding Expert Discovery Schedule be amended as follows:

<u>Activity</u>	<u>Former Date</u>	<u>New Date</u>
Rebuttal reports due ²	September 28, 2012	October 3, 2012

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Attorneys for Defendant Google, Inc.

IT IS SO ORDERED, this _____ day of _____ 2012.

U.S.D.J.

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² No other expert reports are permitted without consent of all parties or leave of the Court.

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CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on September 27, 2012, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on September 27, 2012, the attached document was Electronically Mailed to the following person(s):

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