

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

**GOOGLE INC., AOL LLC, YAHOO! INC.,
IAC SEARCH & MEDIA, INC.,
and LYCOS, INC.,**

Plaintiffs,

v.

**L. DANIEL EGGER, SOFTWARE RIGHTS
ARCHIVE, LLC, and
SITE TECHNOLOGIES, INC.,**

Defendants.

MISC NO. 09-017 (JJF)

**PENDING IN THE UNITED STATES
DISTRICT COURT FOR THE
NORTHERN DISTRICT OF
CALIFORNIA (SAN JOSE DIVISION)**

Civil Action No. CV08-03172RMW

SOFTWARE RIGHTS ARCHIVE, LLC,

Plaintiff,

v.

**GOOGLE INC., YAHOO! INC., IAC SEARCH
& MEDIA, INC., AOL LLC, and LYCOS, INC.,**

Defendants.

**PENDING IN THE UNITED STATES
DISTRICT COURT FOR THE EASTERN
DISTRICT OF TEXAS (MARSHALL
DIVISION)**

Civil Action No. 2:07-cv-511 (CE)

MOVANTS' REQUEST FOR ORAL ARGUMENT FOR MOTION TO COMPEL

Pursuant to D. Del. LR 7.1.4, Movants respectfully move the Court to notice oral argument to hear the parties' arguments on this miscellaneous matter during the week of April 20-24, 2009, at a specific time of the Court's convenience.

On February 11, 2009, Movants filed a motion to compel the production of documents by SRA, LLC and Altitude Capital Partners, L.P. pursuant to Rule 45 Subpoenas. (D.I. 1.) Respondents oppose this motion. (D.I. 14 and 17.) Movants are concurrently filing a reply brief

in support of their motion. Movants request oral argument during the week of April 20-24 for the following reasons:

1. Oral argument would facilitate the Court's expeditious resolution of this discovery dispute in time for Movants to use documents produced by Respondents to oppose a motion to dismiss in one of the underlying cases. Several of the categories of documents that Movants seek are important for opposing Software Rights Archive's motion to dismiss the declaratory judgment action that Movants brought in the Northern District of California. The parties have agreed that that Court will hear argument on the merits of the disputed jurisdictional issues on May 22, 2009. Thus, Movants seek the production of documents from Respondents sufficiently in advance of that date so that they may review the documents and submit them as evidence in support of Movants' position on jurisdiction.

2. Given the several disputed issues raised by both sides, Movants believe that oral argument will assist this Court in issuing a ruling on the pending motion to compel. For example, oral argument would permit the parties to orient the Court as to the procedural posture of the underlying actions and to the several contested issues in each of the actions. Oral argument would also permit the Court to seek any clarification or argument that it may require.

3. Oral argument would be consonant with the Court's practice and its standing order of February 1, 2008 on non-case dispositive motions for patent cases.

The parties to this miscellaneous action have met and conferred as to suitable dates for oral argument and have determined that the week of April 20-24, 2009 is convenient for all parties. Regrettably, the parties were unable to find a date that coincides with the Court's scheduled motion hearing days. In particular:

It is Movants' understanding that Counsel for SRA, LLC is at trial in late March and therefore is unable to attend on March 12 (the Court's March hearing date) without impairing his trial preparation.

Counsel for Movants and SRA, LLC have hearings in California scheduled for April 15, 2009 (in the bankruptcy court of the Northern District of California) and April 17, 2009 (regarding discovery issues in the Northern District of California Action (CV08-03172RMW) case) and therefore are unable to attend on April 17, 2009, the Court's April hearing date.

Because Movants are requesting the production of documents sufficiently in advance of the May 22, 2009 hearing date set by the District Court in the Northern District of California, this Court's May hearing date, May 20, would be too late to permit Movants to submit any discovery prior to its hearing on the merits in the California case.

Accordingly, Movants respectfully request oral argument during the week of April 20-24 at a specific time of the Court's convenience.

Dated: March 12, 2009

/s/ Gregory R. Booker

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CERTIFICATE OF SERVICE

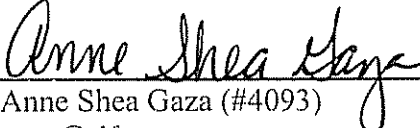
I hereby certify that on March 12, 2009, I caused to be served by **electronic mail and hand delivery** the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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I hereby certify that on March 12, 2009, I caused to be sent by **electronic mail and Federal Express** the foregoing document to the following non-registered participants:

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