

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,	)	Misc. No. 09-017 (JJF)
)	
v.	)	PENDING IN THE UNITED STATES
	)	DISTRICT COURT FOR THE
L. DANIEL EGGER, SOFTWARE RIGHTS	)	NORTHERN DISTRICT OF
ARCHIVE, LLC, and SITE TECHNOLOGIES,	)	CALIFORNIA (SAN JOSE DIVISION)
INC.,)	
Defendants.	)	Civil Action No. CV08-03172RMW
<hr style="width: 50%; margin-left: 0;"/>		
SOFTWARE RIGHTS ARCHIVE, LLC,)	
)	
Plaintiff,	)	PENDING IN THE UNITED STATES
	)	DISTRICT COURT FOR THE
v.	)	EASTERN DISTRICT OF TEXAS
	)	(MARSHALL DIVISION)
GOOGLE INC., YAHOO! INC., IAC SEARCH &)	
MEDIA, INC., AOL LLC, and LYCOS, INC.	)	Civil Action No. 2:07-CV-511 (CE)
)	
Defendants.)	

**SRA, LLC’S OPPOSITION TO MOVANTS’ REQUEST FOR
ORAL ARGUMENT FOR MOTION TO COMPEL**

SRA, LLC opposes Movants’ request for oral argument in this ancillary matter seeking to compel documents from non-parties SRA, LLC and Altitude Capital Partners, L.P. (“Respondents”).¹ Movants seek documents from Respondents purportedly to oppose a motion to dismiss for, *inter alia*, lack of personal jurisdiction filed by Software Rights Archive, LLC in a patent declaratory judgment suit in the Northern District of California. SRA, LLC believes that

¹ The Movants’ Request for Oral Argument states at p. 2 that “the parties . . . 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.” SRA, LLC is not suggesting that Movants have misrepresented its position. However, lest there be any misunderstanding, SRA, LLC’s counsel stated to Movants’ counsel at the time that SRA, LLC did not believe oral argument would be necessary, but advised that if the Court decided to grant oral argument, he could attend during the week of April 20-24, 2009. SRA, LLC still believes oral argument is unnecessary.

the briefing has adequately addressed whether the requested documents have any conceivable relevance to the Movants' effort to persuade the California District Court that it should exercise personal jurisdiction over Software Rights Archive, LLC and whether the requests are otherwise overbroad and unduly burdensome. SRA, LLC believes this Court can resolve the dispute before it on the written materials submitted to it.

Movants' request for oral argument is another in a long line of tactics designed to expand and increase the cost of Software Rights Archive, LLC's effort to enforce its patent rights through the suit it filed in Texas federal court in November 2007. In addition to multiplying the proceedings by filing a new lawsuit in California in July 2008 and subsequently seeking to re-open a long-closed bankruptcy proceeding, Movants are now seeking discovery of the identity of all of the owners of Software Rights Archive, LLC, under the guise of looking for evidence that might help them respond to one of three separate legal arguments why the California suit should be dismissed or transferred. They have maintained this position despite the sworn declaration filed with this Court demonstrating the lack of such evidence. *See* D.I. 15, Ex. 5. Movants' request for an unnecessary oral argument (when they have already had the last word through their reply briefs) demonstrates their willingness to increase the cost of litigation. Oral argument is unnecessary.

Date: March 16, 2009

Respectfully submitted,

By: /s/ Michael J. Barrie

Michael J. Barrie (#4684)
Schnader Harrison Segal & Lewis LLP
824 N. Market Street, Suite 1001
Wilmington, DE 19801
(302) 888-4554 (telephone)
(302) 888-1696 (facsimile)
mbarrie@schnader.com

-and-

Lee L. Kaplan (Texas Bar No. 11094400)
Kristen L. McKeever (Texas Bar No. 24030775)
Raj Duvvuri (Texas Bar No. 24054185)
(Admitted *pro hac vice*)
700 Louisiana Street, Suite 2300
Houston, TX 77002
Telephone: (713) 221-2300
Facsimile: (713) 221-2320
lkaplan@skv.com
kmckeever@skv.com
rduvvuri@skv.com

ATTORNEYS FOR SRA, LLC