

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

AMERICAN CHEMICAL SOCIETY,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 1:04CV02131 RBW

CONSENT MOTION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY

Plaintiff American Chemical Society (“ACS”) hereby moves this Court for an extension of time to complete discovery. In support thereof, ACS has filed an accompanying Memorandum of Law and states:

1. On June 3, 2005, this Court entered a Scheduling Order that set this case as a Standard Track case.
2. The parties agree that time in addition to that set forth in the Scheduling Order is necessary. The parties are contemplating settlement and require more time for this process.
3. Neither party has previously requested an extension of the dates set in the Scheduling Order.
4. Accordingly, the parties jointly request that each deadline set in the Scheduling Order be extended by approximately sixty days. The schedule, as modified, would become as follows:

Close of Fact Discovery:	1/31/06
Plaintiff's Expert Reports Produced to Defendant:	3/3/06
Defendant's Rebuttal Reports Produced to Plaintiff:	4/14/06

Close of Expert Discovery: 4/28/06

Pretrial Conference: 5/12/06

5. Counsel for Defendant Google Inc. consented to this Motion on October 7, 2005.

In consideration of the foregoing, ACS respectfully requests that the Court grant its Consent Motion for Extension of Time to Complete Discovery. The grounds for this Motion are more fully set forth in the accompanying Memorandum.

October 11, 2005



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Counsel for Plaintiff American Chemical Society

CERTIFICATE OF SERVICE

This is to certify that on the 11th day of October 2005, a true and correct copy of the foregoing CONSENT MOTION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY was served by first class mail upon:

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**MEMORANDUM OF LAW IN SUPPORT OF CONSENT MOTION FOR EXTENSION OF
TIME TO COMPLETE DISCOVERY**

Plaintiff American Chemical Society (“ACS”) submits this memorandum of law in support of its Consent Motion for Extension of Time to Complete Discovery.

I. STATEMENT OF FACTS

1. On June 3, 2005, this Court entered a Scheduling Order that set this case as a Standard Track case.
2. ACS and Defendant Google Inc. (“Google”) have diligently conducted discovery activities to date. The parties have exchanged interrogatories, requests for production of documents, and responses.
3. The parties agree that time in addition to that set forth in the Scheduling Order is necessary. The parties are contemplating settlement and require more time for this process.
4. Neither party has previously requested an extension to the dates set in the Scheduling Order.
5. Counsel for Google consented to this Motion on October 7, 2005.

II. ARGUMENT

6. This Court requires good cause for motions for extension of time. *See* General Order and Guidelines for Civil Cases ¶5.

7. The possibility of settlement has been recognized by at least one court in this district as good cause for extending time. *See United States v. Intrados/Int'l Mgmt. Group*, 265 F. Supp. 2d 1, 5 n.6 (D.D.C. 2002) (noting that the court granted seven motions for extension of time because parties “were nearing settlement and needed more time to advance those settlement prospects”).

8. Moreover, factors that commonly weigh against good cause for extending time - such as a lack of diligence on the part of the moving party or risk of prejudice to the nonmoving party - are not present in this case. *See Dag Enters., Inc. v. Exxon Mobil Corp.*, 226 F.R.D. 95, 105-108 (D.D.C. 2005) (holding plaintiffs did not establish good cause to extend discovery where plaintiffs did not diligently seek information at issue during time allowed). In this case, the parties have diligently pursued discovery, and Google’s consent to this motion allays any concern about prejudice to Google.

III. CONCLUSION

9. For the foregoing reasons, ACS respectfully requests that the Court grant its Consent Motion for Extension of Time to Complete Discovery.

October 11, 2005



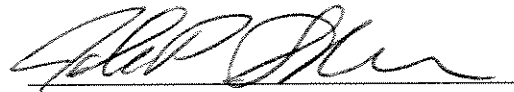
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