

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

AGENCE FRANCE PRESSE,)
Plaintiff and Counter Defendant)
v.)
GOOGLE INC.,) Civil Action No. 1:05CV00546 (GK)
Defendant and Counter Claimant) Next Due Date: March 21, 2006
) (Status Conference)

JOINT MOTION FOR MODIFICATION OF SCHEDULING ORDER

Plaintiff/Counter Defendant Agency France Press (“AFP”) and Defendant/Counter Claimant Google Inc. (“Google”) hereby jointly move the Court for modification of the Court’s Scheduling Order dated June 20, 2005.

The parties jointly propose to extend the discovery schedule by 60 days. Thus, Proponent's Rule 26(a)(2) Statements, which are currently due January 16, 2006, would be due March 16, 2006, and Opponent's Rule 26(a)(2) Statements, which are currently due March 16, 2006, would be due May 16, 2006. A Joint Praeclipe informing the Court of the status of discovery would be due on March 16, 2006. The deadline for the close of discovery would be extended from April 1, 2006 to June 1, 2006, and the deadline for filing dispositive motions would be extended from May 31, 2006 to July 31, 2006. We leave it up to the Court to determine an appropriate date for the Pretrial Conference, which has not been scheduled. In the Court's Scheduling Order, Your Honor proposed March 21, 2006 for a status conference. We leave it up to Your Honor to decide whether this date should be extended in light of the requested modifications to the scheduling order.

There is good cause for the requested extensions. The parties have made limited progress in discovery due to a fundamental disagreement over the scope of the case and the identification of the works in suit. The parties are currently investigating the technical feasibility of an

approach that would narrow the scope of the controversy and streamline discovery. The requested extensions would provide the parties with needed time to complete discovery once the disagreement is resolved. Also, the Court's consideration of several pending motions to be argued January 11, 2006 may provide useful guidance to the parties.

A proposed Order is attached.

Respectfully submitted,

By: /s/ Thomas W. Kirby
Andrew G. McBride, Bar No. 426697
Bruce G. Joseph, Bar No. 338236
Thomas W. Kirby, Bar No. 915231
Scott E. Bain, Bar No. 466657
Wiley Rein & Fielding LLP
1776 K Street, N.W.
Washington, D.C. 20006
(202) 719-7000
(202) 719-7049 (fax)

Counsel for Google Inc.

/s/ Joshua Kaufman (w/ permission)
Joshua J. Kaufman, Bar No. 945188
Mary Jane Saunders, Bar No. 436608
VENABLE LLP
575 7th Street, NW
Washington, D.C. 20004-1601
(202) 344-8538 (phone)
(202) 344-8300 (fax)

Counsel for Agence France Presse

January 9, 2006