

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

GOOGLE, INC.)	
)	
and)	No. 10-743C
)	
ONIX NETWORKING CORPORATION)	(Judge Braden)
)	
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES,)	
)	
Defendant.)	
)	

DEFENDANT'S CONSENT MOTION TO ISSUE SCHEDULING ORDER

The United States respectfully requests that the Court adopt the briefing schedule provided below to resolve the proceedings in this case. In presenting this proposed schedule, defendant also confirms that it will not make award in the procurement at issue in this case anytime before January 25, 2010.

On October 29, 2010, Google, Inc. and Onix Networking Solution (“plaintiffs”), filed a complaint, a motion for a temporary restraining order (“TRO”), and a motion for a preliminary injunction seeking to enjoin the Department of the Interior (“DOI”) from proceeding with award on Request for Quotation No. 503786. Later that same day, the Court held an initial teleconference with the parties. During the teleconference, defendant first advised the Court that DOI would voluntarily stay award until January 25, 2010.

On November 1, 2010, during a teleconference, counsel for defendant verbally requested the Court issue a briefing schedule wherein the parties initially address the plaintiffs’ motion for a preliminary injunction and then turn to the merits of the plaintiffs’ case. The Court directed the

parties to file a formal motion proposing a schedule to address the issues raised by plaintiffs' papers.

DOI's agreement to voluntarily stay award until January 25, 2011, should render moot any request for injunctive relief prior to that date. Accordingly, the United States respectfully requests the Court issue an order establishing the following briefing schedule in this case:

<u>DATE</u>	<u>EVENT</u>
November 5, 2010:	Filing of the administrative record
November 12, 2010:	Government files opposition to Plaintiffs' motion for preliminary injunction
November 19, 2010:	Plaintiffs file reply to Government Opposition
December 3, 2010:	Plaintiffs file motion for judgment upon the administrative record
December 17, 2010:	Government files cross-motion for judgment upon the administrative record and response
December 31 , 2010:	Plaintiffs file response and reply
January 11, 2010:	Government files reply

This schedule contemplates that the Court will set dates for oral argument, if necessary, at its convenience. Counsel for defendant has discussed the foregoing with counsel for plaintiffs, Mr. Sullivan, and he indicated that the plaintiffs do not object to this motion.

Respectfully submitted,

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November 5, 2010

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CERTIFICATE OF FILING

I hereby certify that on this 5th day of November, 2010, a copy of the foregoing “DEFENDANT’S CONSENT MOTION TO ISSUE SCHEDULING ORDER” was filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

s/Christopher L. Krafchek