

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LIMITNONE, LLC, a Delaware Limited
Liability Company,

Plaintiff,

v.

GOOGLE INC., a Delaware Corporation,

Defendant.

Case No. 08-cv-04178

Honorable Blanche M. Manning

PLAINTIFF'S MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF 15 PAGES

Plaintiff, LimitNone, LLC (“LimitNone”), by and through its attorneys, Kelley Drye & Warren LLP, respectfully moves this Honorable Court for leave to file its brief in Brief In Opposition To Defendant’s Motion To Dismiss in excess of the page limit established by Local Rule 7.1 (“Motion for Leave”). In support of its Motion for Leave, LimitNone states as follows:

1. On July 30, 2008, Defendant Google Inc. (“Google”) filed a Motion To Dismiss For Improper Venue Under F.R.C.P. 12(b)(3) Or, In The Alternative, Motion To Transfer Under 28 U.S.C. § 1404(a) and Memorandum of Law In Support (collectively “Google’s Motion”) [Docket Nos. 17 and 18].

2. Google’s Motion addresses fairly complex issues regarding venue based on forum selection clauses found in two prior agreements allegedly entered into by the parties. However, Google’s Motion puts before the Court only two of the four agreements between the parties, omitting any mention to the most recent and most applicable agreements executed between the parties.

3. In its Response To Google's Motion, LimitNone has not only responded to the arguments and factual allegations the Google has made regarding the two superseded agreements, but has had to further discuss the effect, if any, of the most recent agreements between the parties. The proper exposition of these issues requires that LimitNone exceed the page limit imposed by Local Rule 7.1.

4. Furthermore, Google's Motion argues for dismissal of LimitNone's Complaint or, in the alternative, transfer to Northern District of California, based on an inapplicable forum selection clause, and does not fully elucidate the legal standards which the Court must apply. The necessary discussion of the different legal standards applicable to a motion to dismiss and a motion to transfer requires that LimitNone exceed the page limit imposed by Local Rule 7.1.

5. LimitNone respectfully requests that this Honorable Court grant it leave to file its Brief In Opposition To Defendant's Motion To Dismiss in excess of the page limit by five pages.

Dated: August 13, 2008

/s/ Caroline C. Plater
One of the Attorneys for Plaintiff,
LIMITNONE, LLC

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby deposes and states that she caused the foregoing *Notice of Motion and Plaintiff's Motion For Leave to File Brief in Excess of 15 Pages*, to be electronically filed with the Clerk of the Court on August 13, 2008, using the ECF system, and served on all parties via the ECF system, pursuant to LR 5.9, as to Filing Users and in accord with LR 5.5 as to any party who is not a Filing User or represented by a Filing User.

s/ Caroline C. Plater
Caroline C. Plater