

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

ERICH SPECHT, et al.	)	
	)	C.A. No. 09-cv-2572
Plaintiffs,	)	
	)	Judge Leinenweber
v.	)	
	)	Magistrate Judge Cole
GOOGLE INC.,	)	
	)	
Defendant.	)	

**GOOGLE INC.’S MOTION FOR LEAVE TO FILE OVERSIZE BRIEF IN SUPPORT  
OF ITS MOTION FOR SUMMARY JUDGMENT**

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Defendant Google Inc. (“Google”), by and through its undersigned counsel, respectfully moves this Court pursuant to LR7.1 for leave to file an oversize brief, not to exceed thirty (30) pages, in support of its upcoming motion for summary judgment. In support of its motion, Google states as follows:

1. Fact discovery in this litigation closed on July 30, 2010. Under the Court’s Scheduling Order, the parties were granted leave to file dispositive motions starting as of July 30, 2010 (Dkt. No. 237).

2. Plaintiffs have asserted five separate counts against Google: (i) infringement of a registered trademark under Section 32 of the Lanham Act, 15 U.S.C. §1114, (ii) unfair competition under Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), (iii) unfair trade practices under the Illinois Deceptive Trade Practices Act, 815 ILCS 510/2; (iv) trademark infringement under common law; and (v) contributory trademark infringement (see Plaintiffs’ Second Amended Complaint, Dkt. No. 134).

3. Google is preparing to file its motion for summary judgment which it believes will be dispositive of all of Plaintiffs' claims against Google, on the basis that any trademark rights which Plaintiff may have had in Plaintiffs' asserted marks were abandoned years ago through Plaintiffs' non-use in commerce for a period well in excess of three years, with no *bona fide* intent to resume such use.

4. In order to fully address the facts and legal issues associated with Google's request for summary judgment on the five counts asserted by Plaintiffs, Google requires in excess of the fifteen (15) pages permitted under LR7.1. Google believes that it can fully address all of the necessary facts and issues in a brief which does not exceed thirty (30) pages.

5. Google consents to Plaintiffs being permitted to likewise file a brief of up to thirty (30) pages in response to Google's motion for summary judgment.

6. Plaintiffs have informed Google that they are not willing to consent to Google's request.

WHEREFORE, Google respectfully requests that this Court grant it leave to file an oversize brief, not to exceed thirty (30) pages, in support of its upcoming motion for summary judgment.

Respectfully submitted,

Dated: August 20, 2010

/s Herbert H. Finn

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