

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

ERICH SPECHT, an individual and doing)	
business as ANDROID DATA CORPORATION,)	
and THE ANDROID’S DUNGEON)	
INCORPORATED,)	
)	Civil Action No. 09-cv-2572
Plaintiffs-Counterdefendants,)	
v.)	Judge Harry D. Leinenweber
)	
GOOGLE INC.,)	Magistrate Judge Jeffrey Cole
)	
Defendant-Counterplaintiff.)	

**PLAINTIFFS’ MOTION FOR LEAVE
TO FILE OVERSIZE BRIEF IN OPPOSITION TO
GOOGLE, INC.’S MOTION FOR SUMMARY JUDGMENT**

Plaintiffs Erich Specht (“Specht”), an individual and doing business as Android Data Corporation (“ADC”), and The Android’s Dungeon Incorporated (“ADI”), by and through their attorneys, respectfully move this Court, pursuant to LR7.1, for leave to file an oversize brief of 38 pages in opposition to Google, Inc.’s Motion for Summary Judgment of Abandonment (the “Motion”). In support of this motion, Android states as follows:

1. On August 20, 2010, Google, Inc. (“Google”) filed its Motion, a 30-page supporting memorandum and a motion for leave to file oversize brief. (Docket Nos. 252, 253 & 254.) Plaintiffs did not object to the motion for leave and, on September 10, 2010, the Court granted it. (Docket No. 259.)

2. Google’s Motion seeks summary judgment on all five counts of Plaintiffs’ complaint, and two counts of Google’s Counterclaim. (Docket No. 252, p. 1.) In support of its Motion, Google claims that Plaintiffs have no evidence of *bona fide* use of the disputed marks in connection with a commercial operation. To refute this very bold claim, and otherwise respond

to Google's 30-page opening memorandum, Plaintiffs response includes evidence of Plaintiffs' business activities conducted in association with the disputed marks from 1998 through the present, and arguments related thereto.

3. When the Court granted Google's motion for leave to file an oversize opening brief, the Court also allowed Plaintiffs 30 pages to respond. However, after reviewing the arguments raised in Google's Motion, and marshalling the evidence to refute those arguments, Plaintiffs have determined that they cannot present all of the relevant evidence and arguments to the Court in 30 pages. Rather, in order to fully address the facts and legal issues associated with Google's request for summary judgment, Plaintiffs require an additional 7 pages for their response -- i.e., a total of 37 pages.

4. Pursuant to LR7.1, Google will be permitted to file a reply brief of another 15 pages. If the Court grants Plaintiffs' request for an additional 7 pages to respond, Plaintiff consents to Google being granted an additional 7 pages for its reply.

5. Counsel for Google does not object to the relief requested herein.

WHEREFORE, Android respectfully requests that this Court grant it leave to file an oversize brief, not to exceed 38 pages, in opposition to Google's motion for summary judgment.

Respectfully submitted,

ERICH SPECHT, an individual, and
doing business as ANDROID DATA
CORPORATION and THE ANDROID'S
DUNGEON INCORPORATED

By: /s/ P. Andrew Fleming
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CERTIFICATE OF SERVICE

P. Andrew Fleming, an attorney, certifies that he caused copies of the foregoing *Motion for Leave to File Oversized Brief in Opposition To Google, Inc.'s Motion for Summary Judgment* to be served by electronically filing the document with the Clerk of Court using the ECF system this 8th day of October, 2010.

/s/ P. Andrew Fleming