

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSRED BEND LTD. and RED BEND
SOFTWARE INC.,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 09-cv-11813-DPW

**GOOGLE INC.'S REQUEST FOR LEAVE TO FILE REPLY IN SUPPORT OF ITS
EMERGENCY MOTION FOR MODIFICATION OF BRIEFING SCHEDULE**

Plaintiffs Red Bend Ltd. and Red Bend Software Inc. (collectively, "Red Bend") served defendant Google Inc. with the complaint in this action on Tuesday, November 17, 2009, the same day Red Bend filed its Motion for a Preliminary Injunction. Red Bend simultaneously moved for an expedited hearing on the preliminary injunction. Google's outside litigation counsel appeared on Monday, November 23. On Tuesday, November 24, Google opposed the motion for an expedited hearing, requested a modification of the briefing schedule so as to allow it to take certain discovery and prepare an appropriate opposition, and requested a status conference. On November 25, the parties jointly contacted the court to request a status conference, which the Court has set for Wednesday, December 2, 2009 at 11:00 am. On November 26, Red Bend filed an opposition to Google's motion to modify the briefing schedule.

Pursuant to Local Rule 7.1(b)(3), Google respectfully requests leave to file a reply in support of its Emergency Motion for Modification of Briefing Schedule. Google anticipates that the briefing schedule and related issues will be addressed at the December 2 status conference, and believes that a fuller statement of its position on matters raised in the Opposition will aid the Court. In particular, Google wishes to provide the Court in advance of the status conference with its position on Red Bend's newly-proposed schedule, and to suggest certain possible areas of

compromise. Pursuant to CM/ECF Admin. Proc. O, Google's proposed Reply in Support of Emergency Motion for Modification of Briefing Schedule is attached as Exhibit A hereto.

WHEREFORE, Google respectfully requests that the Court allow its motion for leave to file a reply in support of its Emergency Motion for Modification of Briefing Schedule.

Respectfully submitted,

Dated: November 30, 2009

Google Inc.,

By its attorneys,

Jonathan M. Albano, BBO #013850
jonathan.albano@bingham.com
BINGHAM McCUTCHEN LLP
One Federal Street
Boston, MA 02110-1726, U.S.A.
617.951.8000

William F. Abrams (*pro hac vice*)
william.abrams@bingham.com
BINGHAM McCUTCHEN LLP
1900 University Avenue
East Palo Alto, CA 94303-2223

Robert C. Bertin(*pro hac vice*)
robert.bertin@bingham.com
Susan Baker Manning (*pro hac vice*)
susan.manning@bingham.com
BINGHAM MCCUTCHEN LLP
2020 K Street, NW
Washington, DC 20006-1806, U.S.A.
202.373.6000

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 30, 2009.

/s/ Jonathan M. Albano, BBO #013850
jonathan.albano@bingham.com