

Exh. A

FILED

AUG 10 2005

**CLERK'S OFFICE
U. S. DISTRICT COURT
EASTERN MICHIGAN**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NET JUMPER SOFTWARE, L.L.C.
a Michigan limited liability corporation,

Plaintiff/Counterclaim
Defendant,

Civil Action No. 04-70366-CV
Hon. Julian Abele Cook

Magistrate Judge R. Steven Whalen

v.

GOOGLE INC.,
a Delaware corporation

Defendant/Counterclaim
Plaintiff.

Andrew Kochanowski
Sommers, Schwartz, Silver & Schwartz, P.C.
2000 Town Center, Suite 900
Southfield, MI 48075

Michael H. Baniak
Baniak Pine & Gannon
150 N. Wacker Drive, Suite 1200
Chicago, IL 60606

Attorneys for NetJumper Software, L.L.C.

Kathleen A. Lang (P34695)
L. Pahl Zinn (P57516)
DICKINSON WRIGHT PLLC
500 Woodward Avenue, Suite 4000
Detroit, MI 48226-3425
(313) 223-3500

Frank E. Scherkenbach
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110-2804

Howard G. Pollack
FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063

Attorneys for Google Inc.

**EX PARTE MOTION AND BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE
BRIEF IN SUPPORT OF GOOGLE'S MOTION FOR SUMMARY JUDGMENT**

NOW COMES Google Inc., by its attorneys, and moves this Court pursuant to pursuant to LR 7.1(c)(3)(A) for leave to file a brief in support of its Motion for Summary Judgment that exceeds the page limit. In support of this Ex-Parte Motion, Google states as follows:

1. Google's Brief In Support Of Google's Motion For Summary Judgment Of Non-Infringement And Invalidity Of The '172 Patent which involves analyses of both non-infringement and invalidity of the patents-in-suit. The Brief in Support examines in necessary detail, not only the prosecution history of the patent but also the accused product and one prior art reference. The Brief in Support also proposes Google's construction of five relevant claim terms necessary for deciding the motion.

2. The issues involved are complex and the motion may dispose of the case.

3. Google has endeavored to use the fewest pages possible in support of its arguments given the complexity of the claims and patents-in-suit.

WHEREFORE, Google respectfully request this Court enter the attached Order granting Google leave of the Court to file a brief in excess of twenty pages.

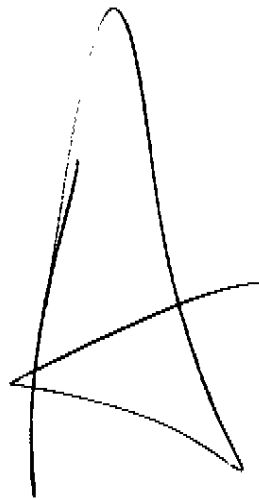
Respectfully submitted,

By: 

Kathleen A. Lang (P34695)
L. Pahl Zinn (P57916)
DICKINSON WRIGHT PLLC
500 Woodward Avenue, Suite 4000
Detroit, MI 48226-3425
(313) 223-3500

Frank E. Scherkenbach
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110-2804

Howard G. Pollack
FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063
Attorneys for Google Inc

A handwritten mark or signature consisting of a large, stylized letter 'A' with a horizontal stroke crossing it.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NET JUMPER SOFTWARE, L.L.C.
a Michigan limited liability corporation,

Plaintiff/Counterclaim
Defendant,

Civil Action No. 04-70366-CV
Hon. Julian Abele Cook

Magistrate Judge R. Steven Whalen

v.

GOOGLE INC.,
a Delaware corporation

Defendant/Counterclaim
Plaintiff.

Andrew Kochanowski
Sommers, Schwartz, Silver & Schwartz, P.C.
2000 Town Center, Suite 900
Southfield, MI 48075

Michael H. Baniak
Baniak Pine & Gannon
150 N. Wacker Drive, Suite 1200
Chicago, IL 60606

Attorneys for NetJumper Software, L.L.C.

Kathleen A. Lang (P34695)
L. Pahl Zinn (P57516)
DICKINSON WRIGHT PLLC
500 Woodward Avenue, Suite 4000
Detroit, MI 48226-3425
(313) 223-3500

Frank E. Scherkenbach
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110-2804

Howard G. Pollack
FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063

Attorneys for Google Inc.

**ORDER GRANTING GOOGLE'S EX-PARTE MOTION FOR LEAVE TO FILE BRIEF
IN EXCESS OF PAGE LIMIT**

**ORDER GRANTING GOOGLE'S EX-PARTE MOTION FOR LEAVE TO FILE BRIEF
IN EXCESS OF PAGE LIMIT**

At a session of said Court held in the United States District Court
for the Eastern District of Michigan, City of Detroit, County of
Wayne, and State of Michigan,
on _____

PRESENT: HON. JULIAN ABELE COOK
United States District Court Judge

This matter having come before the Court by Google Inc.'s Ex-Parte Motion for Leave to
File Brief In Excess of Page Limit, the Court having read the Ex-Parte Motion, and otherwise
being fully advised:

IT IS ORDERED that Google Inc.'s Ex-Parte Motion is granted pursuant to E.D. Mich.
L.R. 7.1(c)(3)(A) and it may file a Brief In Support Of Google's Motion For Summary Judgment
Of Non-Infringement And Invalidity Of The '172 Patent exceeding the page limit set forth in
E.D. Mich. L.R. 7.1.

United States District Court Judge

Dated: August 10, 2005