

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NETJUMPER SOFTWARE, L.L.C.,  
a Michigan limited liability corporation,

Case No. 04-70366-CV  
Hon. Julian Abele Cook  
Magistrate Judge R. Steven Whalen

Plaintiff,

vs.

GOOGLE INC.,  
a Delaware corporation,

Defendant.

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**EX-PARTE MOTION AND BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE  
RESPONSE BRIEF EXCEEDING TWENTY (20) PAGES IN SUPPORT OF  
NETJUMPER'S OPPOSITION TO GOOGLE'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff NetJumper Software, LLC, by and through its attorneys, hereby moves this Court pursuant to LR 7.1(c)(3)(A) for leave to file its response brief in opposition to Google, Inc.'s Motion for

Summary Judgment that exceeds the page limit. In support of this Ex-Parte Motion, Plaintiff NetJumper Software, LLC states as follows:

1. The issues involved in this litigation, as well as Google's motion and NetJumper's response, are extremely complex.
2. Defendant Google Inc. filed a similar motion for leave to file its summary judgment motion exceeding the page limit, and this Court granted Google's motion.
3. Defendant Google's motion, not including exhibits and attachments totals 37 pages.
4. In order for the Court to completely understand the facts and issues involved and in dispute, as well as NetJumper's ability to properly and fully defend against Google's summary judgment motion, NetJumper requires more than twenty pages to adequately respond to said motion. NetJumper's response involves a detailed analysis as to the issues raised by Google's motion concerning non-infringement and invalidity of NetJumper's '172 patent.
5. NetJumper has endeavored to use the fewest pages possible in support of its arguments as to the reasons that Google's motion for summary judgment should be denied. NetJumper's response brief has many figures and diagrams to assist the Court in graphic displays. So while NetJumper's response brief may exceed twenty pages, it is not all text. Given the complexity of the claims and the patents-in suit, NetJumper's response brief is reasonable under the circumstances. The granting of NetJumper's ex-parte motion to file a response brief in excess of twenty pages would act in furtherance of justice and NetJumper's due process rights.

WHEREFORE, NetJumper Software, LLC respectfully requests that this Honorable Court enter the attached Order granting NetJumper leave of the Court to file a response brief to Google's motion for summary judgment in excess of twenty (20) pages.

Respectfully submitted,

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DATED: September 26, 2005

**PROOF OF SERVICE**

I certify that on 9-26-05, I electronically filed the forgoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service First Class Mail the paper to the following non-ECF participants:

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