

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

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

Plaintiff,

v.

GOOGLE INC.,
a Delaware corporation

Defendant.

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

Magistrate Judge R. Steven Whalen

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**GOOGLE'S RESPONSE TO NETJUMPER'S EMERGENCY MOTION FOR
ONE-WEEK EXTENSION OF DEADLINE TO FILE RESPONSIVE BRIEF TO
DEFENDANT GOOGLE INC.'S MARKMAN BRIEF**

Google does not oppose the extension that NetJumper seeks, and Google told NetJumper as much last week. Specifically:

- (1) Google gave NetJumper the one-week extension of time it is asking for on July 19, 2006; and
- (2) As shown on page 6 of 7 of Exhibit A to NetJumper's motion (Google's bullet point referring to the July 19, 2006 modifications to the claim construction briefing schedule), Google did not rescind that agreement—Google merely stated that it would need a reciprocal extension to file its reply, which is also due on July 31, 2006, because Google obviously cannot file its reply on the same day it receives NetJumper's opposition.

Upon receipt of the instant motion, counsel for Google called counsel for NetJumper and asked if it was *now* NetJumper's intention that Google should *not* also be granted an extra week to file its reply brief—contrary to the earlier agreement. Counsel for NetJumper said it was not. Thus, while NetJumper's motion is unnecessary, it is necessary for the Court to modify the briefing schedule. The modified schedule, to which both parties consent, should have no effect on the Court's calendar. The new dates would be:

- NetJumper's opposition claim construction brief is due July 31, 2006.
- Google's reply claim construction brief is due August 7, 2006.

Dated: July 24, 2006

Respectfully Submitted,
FISH & RICHARDSON P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2006, I electronically filed GOOGLE'S RESPONSE TO NETJUMPER'S EMERGENCY MOTION FOR ONE-WEEK EXTENSION OF DEADLINE TO FILE RESPONSIVE BRIEF TO DEFENDANT GOOGLE INC.'S MARKMAN BRIEF with the Clerk of the Court using the ECF system, which will send notice of such filing upon the following attorney: ANDREW KOCHANOWSKI and MICHAEL H. BANIAK.

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