

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CNG FINANCIAL CORPORATION	:	
	:	Case No. 1:06-cv-040
Plaintiff/Counterclaim-	:	
Defendant,	:	Chief Judge Sandra S. Beckwith
	:	Magistrate Timothy S. Black
vs.	:	
	:	CNG’S MOTION FOR LEAVE TO
GOOGLE INC.	:	FILE ADDITIONAL AUTHORITY
	:	IN SUPPORT OF ITS RESPONSE
Defendant/Counterclaim-	:	TO GOOGLE’S MOTION FOR
Plaintiff.	:	JUDGMENT ON THE
	:	PLEADINGS

Plaintiff/Counter Defendant, CNG Financial Corporation (“CNG”), moves the Court for leave to file additional authority in support of its Response to Google’s Motion for Judgment on the Pleadings. The case in question, *800-JR Cigar, Inc. v. GoTo.com, Inc.*, 2006 U.S. Dist. LEXIS 48279 (D.N.J., July 17, 2006), is attached. This case, which holds that conduct by a search engine which is materially indistinguishable from that at issue in this case constitutes a trademark use, *see id.* at *17-*27, was not available until after CNG had filed its Response to Google’s Motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was electronically filed with the Clerk of the Courts using the CM/ECF, system which will send notification of such filing to the following, this 10th day of August, 2006:

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