

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CNG FINANCIAL CORPORATION,
Plaintiff/Counterclaim-Defendant,

v.

GOOGLE INC.,
Defendant/Counterclaim-Plaintiff.

Case No. 1:06cv040

Chief Judge Sandra S. Beckwith
Magistrate Timothy S. Black

**MOTION FOR LEAVE TO FILE A
MEMORANDUM IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT
EXCEEDING 20 PAGES**

Defendant/Counterclaim-Plaintiff Google Inc. (“Google”) hereby moves for leave to file a memorandum in support of a motion for summary judgment exceeding 20 pages. The Court has set March 30, 2007 as the deadline for filing motions for summary judgment. Google intends to file its motion and supporting memorandum on that day. Because Google’s motion involves complicated issues of fact and law and is based on three separate grounds, Google anticipates that it will require 30 to 35 pages to explain the basis for its motion. The three grounds that support summary judgment in favor of Google are: (1) Plaintiff/Counterclaim-Defendant CNG Financial Corporation cannot show that Google uses its trademark, as required by the Lanham Act; (2) CNG cannot present any evidence that any use of its trademark has created actual confusion or a likelihood of confusion; and (3) CNG cannot show that the activities it has complained about has caused it any harm, sufficient to support an injunction (CNG has waived its damages claims). Pursuant to Local Civil Rule 7.2(a)(3), Google will include with its memorandum a table of contents and a “succinct, clear and accurate summary, not to exceed five (5) pages, indicating the main sections of the memorandum, the principal

arguments and citations to primary authority made in each section, as well as the pages on which each section and any sub-sections may be found.”

Google requested CNG’s consent to file an unopposed motion for leave to file additional pages, but CNG neither consented nor provided any explanation for its refusal to do so.

Dated: March 27, 2007

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Attorneys for Defendant and Counterclaim-Plaintiff Google Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Barry D. Hunter, Medrith Lee Norman and Ann Gallagher Robinson, Attorneys for Plaintiff/Courterclaim-Defendant.

/s/ Klaus H. Hamm

Klaus H. Hamm (*Admitted Pro Hac Vice*)