

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**FUNCTION MEDIA, L.L.C.,**

**v.**

**GOOGLE INC. AND YAHOO!, INC.**

**Civil Case No. 2:07-cv-279 (CE)**

**JURY TRIAL DEMANDED**

**JOINT MOTION FOR MODIFICATION TO THE CASE SCHEDULE**

Defendant Google Inc. (“Google”), Defendant Yahoo!, Inc. (“Yahoo!”), and Plaintiff Function Media, L.L.C. (“Function Media”) hereby file this Joint Motion for Modification to the Case Schedule.

Defendants’ P. R. 4-5(b) responsive claim construction briefs are due on April 30, 2009, and the parties request that this date be extended to May 15, 2009. Function Media’s reply brief is currently due on May 13, 2009, and the parties request that this date be extended to June 11, 2009. The P. R. 4-6 hearing is set for August 12, 2009, which is three months after the current reply-brief deadline and two months after the proposed June 11 reply-brief deadline.

So that additional time may be allowed to permit Defendants to simplify and possibly consolidate their respective claim construction positions, and so that Plaintiff has additional time to prepare its P. R. 4-5(c) reply brief, the parties jointly request that the Court modify the dates set out in the Docket Control Order (Dkt. #45) for the remaining claim construction briefing as follows:

- May 15, 2009 – comply with P. R. 4-5(b) [Google and Yahoo! to serve and file responsive briefs and supporting evidence]

- June 11, 2009 – comply with P. R. 4-5(c) [Function Media to serve and file any reply brief and any evidence directly rebutting the supporting evidence contained in Google and Yahoo!’s responses].

The additional time requested still allows the Court two months to consider the briefing before the August 12, 2009 claim construction hearing.

Dated: April 28, 2009

Respectfully submitted,

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**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for Plaintiff, Jeremy Brandon, has been contacted regarding the relief requested in this motion. Mr. Brandon stated that Plaintiff was not opposed to the relief requested.

/s/ Jason W. Wolff  
Jason W. Wolff

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on April 28, 2009 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Jason W. Wolff  
Jason W. Wolff

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