

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

**BRIGHT RESPONSE, LLC F/K/A
POLARIS IP, LLC,**

Plaintiff

vs.

GOOGLE INC., et al,

Defendants.

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NO. 2:07-CV-371-CE

JURY

**CONSENT MOTION TO EXTEND DISCOVERY DEADLINES AND ALLOW FOR
AMENDMENT OF THE PARTIES’ INFRINGEMENT
AND INVALIDITY CONTENTIONS**

Defendants Google Inc., Yahoo! Inc., AOL LLC and America Online, Inc. (collectively “Defendants”) hereby respectfully move the Court for an agreed order extending the time for compliance with the Court’s mandatory disclosure requirements under Paragraph 3 of the Court’s Discovery Order. Defendants seek a 60-day extension to comply with these disclosure requirements. Further, the parties request leave to amend their Infringement and Invalidity Contentions under P.R. 3-1 and 3-3 respectively.

The Court’s Discovery Order (Dkt No. 114) provides that the time for each party’s mandatory disclosure requirements is August 15, 2008. The Court has not entered the Appendix C of its Standard Discovery Order that addresses Infringement and Invalidity Contentions for Software at Section II, P.R. 3-1(f)-(h). Plaintiff served its first set of interrogatories on June 20, 2008. Yahoo! Inc. served its objections and responses to Plaintiff’s first set of interrogatories on July 23, 2008. And pursuant to an agreement with Plaintiff, Google Inc., AOL LLC and America Online, Inc. served their objections and responses to Plaintiff’s first set of interrogatories on July 30, 2008.

In light of the foregoing, the parties have agreed as follows:

(1) The parties agree to a 60-day extension of the time to comply with the Court's mandatory disclosure requirements under Paragraph 3 of the Court's Discovery Order until October 14, 2008.

(2) The parties agree that Defendants will provide supplemental responses to Bright Response's First Set of Interrogatories, including the identification of documents by bates ranges, subject to each of the Defendants' General and Specific Objections by October 14, 2008.

(3) The parties agree that within 60-days after the production of source code, if any, Plaintiff may supplement its Infringement Contentions with respect to the produced source code. Plaintiff's supplementation shall comply with Section II, P.R. 3-1(h) of Appendix C from the Court's Standard Discovery Order.

(4) The parties agree that within 60-days after Plaintiff serves its amended Infringement Contentions pursuant to paragraph (3) above, each Defendant opposing a claim of patent infringement may serve supplemental Invalidity Contentions pursuant to Section II, P.R. 3-3(f) of Appendix C from the Court's Standard Discovery Order.

Counsel for Plaintiff Bright Response, LLC f/k/a Polaris IP, LLC, does not oppose these requests.

Accordingly, the parties respectfully request that the Court enter an order in accordance with the agreement detailed above.

Dated: August 15, 2008

Respectfully submitted,

/s/ Darryl M. Woo

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COUNSEL FOR GOOGLE INC., AOL LLC
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Dated: August 15, 2008

Respectfully submitted,

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COUNSEL FOR YAHOO! INC.

CERTIFICATE OF CONFERENCE

Defendants Google Inc., Yahoo! Inc., AOL LLC and America Online, Inc., have conferred by telephone and/or email with plaintiff Bright Response, LLC, f/k/a Polaris IP, LLC, and this Consent Motion to Extend Discovery Deadlines and Allow For Amendment of the Parties Infringement and Invalidity Contentions is unopposed.

Dated: August 15, 2008

Respectfully submitted,

/s/ Saina S. Shamilov

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COUNSEL FOR GOOGLE INC., AOL LLC and
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Dated: August 15, 2008

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COUNSEL FOR YAHOO! INC.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion and proposed order was served on all counsel who have consented to electronic service, Local Rule CV-5(a)(3)(A), on this the 15th day of August.

Dated: August 15, 2008

Respectfully submitted,

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