

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

BRIGHT RESPONSE, LLC

v.

GOOGLE INC., et al.

2:07-CV-371-CE

BRIGHT RESPONSE, LLC'S RESPONSE
IN OPPOSITION TO DEFENDANTS' REQUEST REGARDING TRIAL DATE

On this date, Defendants Google, Inc. and AOL, LLC ("Defendants") filed a motion requesting that the Court move the trial setting for this case. As the Defendants did not accurately reflect Plaintiff's position, Plaintiff responds as follows:

Plaintiff opposes any request for movement of the trial date and would request that the trial be set as early as possible in the month of July, 2010. In addition, Defendants' reasons for requesting movement of the trial until after July 19, 2010 are not sufficient. First, the Docket Control Order providing dates for the Markman hearing, discovery deadlines, and expert report deadlines have been before the parties for two years. It is unsupportable for Defendants to seek a later trial date based on that issue at this late date. Second, the scheduling of a Markman hearing in another case during the first week of July is unfortunate, but still insufficient. Counsel for Plaintiff (Andrew Spangler) is likewise scheduled to argue a Markman before Judge Davis the first week of July, but is making plans to cover both, rather than inconveniencing multiple parties in this case.

Plaintiff respectfully requests that trial be set as early as possible – even the last week of June if the Court would allow.

March 31, 2010

Respectfully submitted,

s/Patrick R. Anderson

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CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served today with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

Dated: March 31, 2010

/s/Patrick R. Anderson
Patrick R. Anderson