

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

BRIGHT RESPONSE LLC

Plaintiff,

v.

GOOGLE INC., YAHOO!, INC., AOL LLC,
and AMERICA ONLINE, INC.,

Defendants.

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Civil Action No. 2:07-cv-371-CE

JOINT MOTION TO AMEND DOCKET CONTROL ORDER

Plaintiff Bright Response, LLC (“Bright Response”) and Defendants Google Inc., AOL, LLC, America Online, Inc. and Yahoo!, Inc. (collectively “Defendants”) file this Joint Motion to Amend the Docket Control Order with regard to certain pretrial deadlines based upon the Court’s Order of June 23, 2010.

Pursuant to the Court’s Order of June 23, 2010, the parties have conferred and agreed to revise certain pretrial deadlines in the current Docket Control Order in order to conform to the August 2, 2010 trial setting. Specifically, the parties request that the following dates be entered by the Court:

Deadline or Event	Current Date	Proposed Date
P.R. 3-8 Willfulness Disclosures due	June 25, 2010	June 25, 2010
Last day to file dispositive motions	June 29, 2010	July 1, 2010
Exchange opening expert reports (except damages)	July 9, 2010	July 3, 2010
Exchange expert damages report	July 9, 2010	July 5, 2010
Deadline to request notice of Daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of the Court proceedings is requested for trial, the party or parties making	July 7, 2010	July 7, 2010

the request shall file a notice with the Court and email the Court Reporter, Susan Simmons, at lssimmons@yahoo.com .		
Identify trial witnesses	July 6, 2010	July 9, 2010
Response to motions for summary judgment due	July 13, 2010	July 15, 2010
Parties exchange portions of joint pretrial order (witness and exhibit lists, depositions designations, jury instructions, and verdict form)	July 2, 2010	July 15, 2010
Exchange rebuttal expert reports (except damages)	July 30, 2010	July 17, 2010
Joint pretrial order (including witness list, exhibits, and deposition designations), proposed jury instructions, and verdict form due*	July 9, 2010	July 19, 2010
Exchange copies of trial exhibits to be received by	July 12, 2010	July 19, 2010
Exchange rebuttal expert damages report	July 30, 2010	July 19, 2010
Replies in support of summary judgment due	July 23, 2010	July 22, 2010
Daubert motions due (except damages)	August 20, 2010	July 22, 2010
Motions in limine due (except damages)	July 19, 2010	July 22, 2010
Objections to witnesses, exhibits, deposition designations due, and deposition counter-designations due	July 16, 2010	July 23, 2010
Close of all depositions except Rhyne and Allen on rebuttal reports	August 13, 2010	July 23, 2010
Daubert motions on damages due	August 20, 2010	July 23, 2010
Responses to motions in limine due	July 23, 2010	July 26, 2010
Responses to Daubert motions due	September 9, 2010	July 26, 2010
Deadline to meet and confer on witness lists, exhibits, deposition designations	July 23, 2010	July 27, 2010
Responses to Daubert motion on damages due	September 9, 2010	July 27, 2010
Deadline to meet and confer on motions in limine	July 26, 2010	July 27, 2010

Pretrial conference including all hearings	July 28, 2010	July 29, 2010
Trial	August 2, 2010	August 2, 2010

***The parties may supplement the pretrial disclosures exchanged on July 15, 2010 by July 19, 2010, but only to the extent such supplementation is based upon issues or evidence raised in rebuttal expert reports served on July 17, 2010. The parties may also supplement the pretrial disclosures exchanged on July 15, 2010 by July 21, 2010, but only to the extent such supplementation is based upon issues or evidence raised in rebuttal expert reports served on July 19, 2010.**

Plaintiff and Defendants therefore respectfully request that the Court enter the attached proposed order modifying the Docket Control Order as set forth above.

DATED: June 29, 2010

Respectfully submitted,

/s/ Jennifer H. Doan

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Counsel for Defendant Google Inc.

DATED: June 29, 2010

Respectfully submitted,

By /s/ Elizabeth A. Wiley (w/ permission)

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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 was served on all counsel who have consented to electronic service, Local Rule CV-5(a)(3)(A), on this the 29th day of June, 2010.

/s/ Jennifer H. Doan
Jennifer H. Doan