

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

BRIGHT RESPONSE LLC	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:07-cv-371-CE
	§	
GOOGLE INC., YAHOO!, INC., AOL LLC, and AMERICA ONLINE, INC.,	§	
	§	
Defendants.	§	

**EMERGENCY MOTION FOR EXPEDITED BRIEFING SCHEDULE AND REQUEST
FOR HEARING REGARDING DKT. NOS. 410, 412, & 478**

Defendants Google Inc., America Online, Inc. and Yahoo!, Inc. (collectively “Defendants”) respectfully request the Court enter an order setting an expedited briefing schedule for Plaintiff Bright Response, LLC to respond to the following:

- 1) Google’s Emergency Motion to Strike Portions of Plaintiff’s July 6, 2010 Expert Report [Dkt. No. 410] filed on July 12, 2010;
- 2) Yahoo!’s Emergency Motion to Strike Portions of Plaintiff’s July 6, 2010 Expert Report [Dkt. No. 412] filed on July 13, 2010; and
- 3) Defendants’ Motion for Discovery Sanctions for Failure to Disclose Key Discovery Regarding EZ Reader [Dkt. No. 478] filed on July 23, 2010.

Specifically, Defendants request the Court order Bright Response to respond to each of these motions no later than July 27, 2010. Defendants have responded to Bright Response’s “emergency” motions in an expedited manner without an order from the Court.¹ Plaintiff should

¹ For example, Bright Response filed an emergency motion to strike portions of Defendants’ invalidity expert report on July 14, 2010 [Dkt. No. 415] and Defendants responded

be required to do the same. This case is set for a pretrial hearing on July 28, 2010, and each of these matters are pertinent to the issues that will be raised during the hearing. In addition, this case is set for trial in less than a week and these matters must be resolved before trial.

For all these reasons, Defendants respectfully request an order directing Bright Response to respond to Dkt. Nos. 410, 412, and 478 no later than July 27, 2010. Defendants respectfully request that this Court set these motions for hearing on July 28, 29 or 30, 2010.

Dated: July 26, 2010

Respectfully submitted,

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on July 19, 2010 [Dkt. No. 431]. Further, Bright Response filed an emergency motion to allow Pridham access to confidential documents on July 23, 2010 [Dkt. No. 473] and Defendants responded on July 26, 2010.

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**Attorneys for Defendant Google Inc. and
AOL LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on July 26, 2010.

/s/ Jennifer H. Doan _____
Jennifer H. Doan

CERTIFICATE OF CONFERENCE

On July 9, 2010, counsel for Bright Response, LLC, Yahoo!, Inc., Google Inc., and America Online, Inc. met and conferred regarding Dkt. Nos. 410 and 412. In addition, the parties exchanged various emails regarding the issues in those motions. Further, on July 15, 2010, counsel for the Defendants raised with Plaintiff the failure to disclose discoverable information at the appropriate times in this case, including the matters at issue in Dkt. No. 478. The discussions have conclusively ended in an impasse, leaving an open issue for the Court to resolve. As such, the motion is filed opposed.

/s/ Jennifer H. Doan _____
Jennifer H. Doan