

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

BRIGHT RESPONSE, LLC	§	
F/K/A POLARIS IP, LLC,	§	
	§	
Plaintiff,	§	
v.	§	
	§	No. 2:07-cv-00371-CE
GOOGLE INC., ET AL.,	§	
	§	
Defendants.	§	Jury Demanded
	§	

**DEFENDANTS’ UNOPPOSED MOTION  
TO WITHDRAW MOTION TO EXCLUDE AUDREY SPANGENBERG**

COME NOW Defendants Google Inc., America Online, Inc. and AOL, LLC (collectively “Google”), and Yahoo! (“Defendants”) and file this motion to withdraw their currently pending motion to exclude Audrey Spangenberg from testifying at trial (Dkt.# 430) and would show the Court:

1. Based upon the representation of Plaintiff Bright Response that it will not call Audrey Spangenberg at trial (see Exhibit 1 attached), Defendants withdraw their motion.
2. As part of this agreement, Defendants have agreed that they will not refer to Plaintiff as a “troll.”
3. This motion is not opposed by Plaintiff Bright Response.

Dated: July 26, 2010

Respectfully submitted,

By: /s/ Jennifer Parker Ainsworth  
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ATTORNEYS FOR DEFENDANTS  
GOOGLE INC., AOL LLC, and  
AMERICA ONLINE, INC.

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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 was served on all counsel who have consented to electronic service, Local Rule CV-5(a)(3)(A), on this the 26<sup>th</sup> day of July, 2010.

/s/ Jennifer P. Ainsworth  
Jennifer P. Ainsworth

### **CERTIFICATE OF CONFERENCE**

This is to certify that counsel for Defendants has conferred with Plaintiff's counsel concerning this motion and they do not oppose the motion.

/s/ Jennifer P. Ainsworth  
Jennifer P. Ainsworth