

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

BRIGHT RESPONSE, LLC F/K/A POLARIS IP, LLC  v.  GOOGLE INC., et al.	NO. 2:07CV-371-TJW-CE
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**DEFENDANT YAHOO! INC.'S RESPONSE TO GOOGLE'S EMERGENCY MOTION  
TO CONTINUE TRIAL DATE AND FOR ADDITIONAL TIME FOR TRIAL**

During the Pre-trial Conference, Judge Everingham requested that Defendants propose a remedy to address the delayed production of the Angotti declaration (Pre-trial Conference Tr. 78:12-21, July 28, 2010). Defendant Google filed an emergency motion to continue the trial date and for additional time for trial. (Dkt. 578.) Defendant Yahoo! opposes Google's request to continue the trial date, but joins in its request for additional time for trial.

Unlike its co-defendant, Yahoo! does not wish to conduct further discovery regarding the Angotti declaration, and Yahoo! believes that all discovery should be closed in this case. Yahoo! also believes that a continuance is unnecessary in this case and that a continuance would be prejudicial to Yahoo! if Plaintiff is allowed to conduct further fact discovery or submit, for example, supplemental expert reports during the continuance.

Yahoo! does join Google's request for additional time for trial, however. Yahoo! agrees that Google and Yahoo! have separate systems, Plaintiff has significantly separate theories against each defendant, and substantially different damages cases. Further, Defendants intend to call thirteen live witnesses, where only three overlap. Thirteen hours for Defendants to jointly present their separate cases is prejudicial.



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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). 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 August 1, 2010.

/s/ Jennifer Doan  
Jennifer H. Doan