

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC., AOL LLC, MICROSOFT
CORPORATION, YAHOO! INC., IAC
SEARCH & MEDIA, INC., and A9.COM,
INC.

Defendants.

Civil Action No. 2:07-cv-432 (LED/JDL)

JURY DEMANDED

**AGREED AMENDED MOTION FOR LEAVE TO AMEND PLAINTIFF'S
DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS
REGARDING DEFENDANTS MICROSOFT CORPORATION AND IAC SEARCH &
MEDIA, INC. AND MOTION FOR EXTENSION FOR DEFENDANTS TO
COMPLY WITH PATENT RULES 3-3 AND 3-4**

Pursuant to Patent Rules 3-1 and 3-2 and the Court's Docket Control Order (Dkt. 99) issued on May 14, 2008, Plaintiff Performance Pricing, Inc. hereby submits its Agreed Amended Motion for Leave to Amend Plaintiff's Disclosure of Asserted Claims and Infringement Contentions regarding Defendants Microsoft Corporation and IAC Search & Media, Inc. in order to correct certain errors found in Plaintiff's original infringement contentions. Plaintiff's First Amended Disclosure of Asserted Claims and Infringement Contentions under Patent Rule 3-1 is attached hereto as Exhibit A. Defendants do not oppose this request.

Furthermore, Plaintiff Performance Pricing, Inc. requests that the Court extend the deadline for Defendants to comply with Patent Rules 3-3 and 3-4 from July 14, 2008 to July 30, 2008.

Wherefore premises considered, Plaintiff respectfully requests that the Court grant Plaintiff leave to amend Plaintiff's Disclosure of Asserted Claims and Infringement Contentions regarding Defendants Microsoft Corporation and IAC Search & Media, Inc., and extend the deadline for Defendants to comply with Patent Rules 3-3 and 3-4 as requested above.

Dated: June 6, 2008

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
PERFORMANCE PRICING, INC.**

CERTIFICATE OF CONFERENCE

I certify that I have complied with the meet and confer requirement in Local Rule CV-7(H) and that this motion is unopposed.

/s/ N. Claire Abernathy
N. Claire Abernathy

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on June 6, 2008. Any other counsel of record will be served by facsimile transmission and first class mail.

/s/ N. Claire Abernathy
N. Claire Abernathy