

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

**DEFENDANTS GOOGLE, INC., AOL LLC, MICROSOFT CORP., YAHOO! INC.,  
IAC SEARCH & MEDIA, AND A9.COM'S UNOPPOSED MOTION FOR LEAVE  
TO AMEND DEFENDANTS' INVALIDITY CONTENTIONS**

Defendants Google, Inc., AOL LLC, Microsoft Corp., Yahoo! Inc., IAC Search & Media, Inc., and A9.com, Inc. (collectively "Defendants") respectfully request the Court for leave to amend Defendants' Invalidation Contentions ("invalidity contentions") pursuant to Patent Rule 3-6(b).

Defendants seek leave to amend their invalidity contentions to identify four additional items of prior art, to add four additional claim charts, incorporate the newly-charted prior art into the cover pleading and three other claim charts, and to correct typographical errors found in the Defendants' original invalidity contentions served August 6, 2008.

Plaintiff has been provided with a copy of the proposed amended invalidity contentions and has indicated that it does not oppose this motion.

Defendants therefore request the Court grant Defendants Google, Inc., AOL LLC, Microsoft Corp., Yahoo! Inc., IAC Search & Media, and A9.com's Unopposed Motion for Leave to Amend Defendants' Invalidity Contentions.

DATED: October 29, 2008

Respectfully submitted,

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**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/ Laura L. Kolb

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Laura L. Kolb

**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 October 29, 2008.

/s/ Laura L. Kolb

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Laura L. Kolb