

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

PERFORMANCE PRICING, INC., )  
 )  
Plaintiff, ) CASE NO. 2:07-cv-432 (LED)  
 )  
v. )  
 )  
GOOGLE INC., AOL LLC, )  
MICROSOFT CORPORATION, )  
YAHOO! INC., IAC SEARCH & )  
MEDIA, INC., A9.COM, INC., )  
 )  
Defendants. )

**JOINT MOTION TO EXTEND DEADLINES  
FOR EXCHANGE OF PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC  
EVIDENCE**

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff Performance Pricing, Inc. (“Plaintiff”) and Defendants Google Inc., AOL LLC, Microsoft Corporation, YAHOO! Inc. and IAC Search & Media, Inc. (“Defendants”) file this joint motion and respectfully ask the Court to extend one deadline in this matter. Plaintiff and Defendants would show the Court as follows:

1. The current deadline for the parties to exchange preliminary claim constructions and identification of extrinsic evidence pursuant to Patent Rule 4-2 is **December 5, 2008**.
2. Plaintiff and Defendants have agreed to a one week extension to serve their Patent Rule 4-2 disclosures and respectfully request this Court extend the deadline to serve these disclosures to **December 12, 2008**.
3. Plaintiff and Defendants seek this one short extension of time not for delay but for good cause and that justice may be served.

WHEREFORE, Plaintiff and Defendants request that the Court extend the deadline for serving preliminary claim constructions and identification of extrinsic evidence until December 12, 2008.

Dated: December 4, 2008

Respectfully submitted,

By: /s/ David J. Beck

David J. Beck  
Texas Bar No. 00000070  
[dbeck@brsfirm.com](mailto:dbeck@brsfirm.com)  
Michael E. Richardson  
State Bar No. 24002838  
[mrichardson@brsfirm.com](mailto:mrichardson@brsfirm.com)

BECK, REDDEN & SECREST, L.L.P.  
One Houston Center  
1221 McKinney St., Suite 4500  
Houston, TX. 77010  
(713) 951-3700  
(713) 951-3720 (Fax)

Charles K. Verhoeven  
[charlesverhoeven@quinnemanuel.com](mailto:charlesverhoeven@quinnemanuel.com)  
David A. Perlson  
[davidperlson@quinnemanuel.com](mailto:davidperlson@quinnemanuel.com)  
Antonio R. Sistos,  
[antoniosistos@quinnemanuel.com](mailto:antoniosistos@quinnemanuel.com)  
Emily C. O'Brien  
[emilyobrien@quinnemanuel.com](mailto:emilyobrien@quinnemanuel.com)  
Katherine H. Bennett  
[katherinebennett@quinnemanuel.com](mailto:katherinebennett@quinnemanuel.com)  
QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP  
50 California Street, 22nd Floor  
San Francisco, California 94111  
Telephone: (415) 875 6600  
Facsimile: (415) 875 6700

**ATTORNEYS FOR DEFENDANTS GOOGLE INC. AND  
AOL LLC**

By: /s/ S. Calvin Capshaw

S. Calvin Capshaw

Texas Bar No. 0378900

Elizabeth L. DeRieux

Texas Bar No. 05770585

N. Claire Abernathy

Texas Bar No. 24053063

CAPSHAW DERIEUX, LLP

1127 Judson Road, Suite 220

Longview, Texas 75601

(903) 236-9800

(903) 236-8787 (FAX)

Robert M. Parker

Texas Bar No. 15498000

Robert Christopher Bunt

Texas Bar No. 00787165

Charles Ainsworth

Texas Bar No. 00783521

PARKER, BUNT & AINSWORTH, P.C.

100 East Ferguson, Suite 1114

Tyler, Texas 75702

(903) 531-3535

(903) 533-9687 (FAX)

Gregory S. Dovel

CA Bar No. 135387

Sean Luner

CA Bar No. 165443

Christin K. Cho

CA Bar No. 238173

DOVEL & LUNER, LLP

201 Santa Monica Blvd., Suite 600

Santa Monica, California 90401

(310) 656-7066

(310) 657-7069 (FAX)

**ATTORNEYS FOR PLAINTIFF**

**PERFORMANCE PRICING, INC.**

By: /s/ Otis Carroll

Otis Carroll

Texas Bar No. 03895700

Collin Maloney

Texas Bar No. 00794219

IRELAND, CARROLL & KELLEY, P.C.

6101 S. Broadway, Suite 500

Tyler, Texas 75703

(903) 561-1600

(903) 581-1071 (FAX)

Charles K. Verhoeven

charlesverhoeven@quinnemanuel.com

David A. Perlson

davidperlson@quinnemanuel.com

Antonio R. Sistos,

antoniosistos@quinnemanuel.com

Emily C. O'Brien

emilyobrien@quinnemanuel.com

Katherine H. Bennett

katherinebennett@quinnemanuel.com

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

50 California Street, 22nd Floor

San Francisco, California 94111

Telephone: (415) 875 6600

Facsimile: (415) 875 6700

**ATTORNEYS FOR DEFENDANT  
IAC SEARCH & MEDIA, INC.**

By: /s/ Michael A. Jacobs

Michael A. Jacobs

Rachel Krevans

Richard S.J. Hung

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, California 94105

(415) 268-7000

(415) 268-7522 (FAX)

Michael E. Jones

POTTER MINTON, A PROFESSIONAL CORPORATION

110 North College, Suite 500

Tyler, Texas 75702

(903) 597-8311

(903) 593-0846 (FAX)

**ATTORNEYS FOR DEFENDANT**

**YAHOO!**

By: Eric H. Findlay

Eric H. Findlay

RAMEY & FLOCK PC

100 E. Ferguson, Suite 500

Tyler, Texas 75702-0629

(903) 510-5213

(903) 597-2413 (FAX)

Richard A. Cederth

SIDLEY AUSTIN LLP

1 South Dearborn Street

Chicago, Illinois 60603

(312) 853-7000

(312) 853-7036 (FAX)

**ATTORNEYS FOR DEFENDANT**

**MICROSOFT CORPORATION**

**CERTIFICATE OF SERVICE**

The undersigned hereby 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).

/s/ Michael E. Richardson  
Michael E. Richardson