

IN THE UNITED STATES DISTRICT COURT
FOR THE 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.

Case No. 2:07-CV-432 (LED)

JURY TRIAL DEMANDED

**JOINT MOTION TO EXTEND DEADLINE 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 12, 2008.
2. Plaintiff and Defendants have agreed to an extension to serve their Patent Rule 4-2 disclosures and respectfully request this Court to extend the deadline to serve these disclosures to December 23, 2008.
3. Plaintiff and Defendants seek this 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 23, 2008.

Dated: December 11, 2008

/s/ Michael E. Jones

Michael A. Jacobs (mjacobs@mofo.com)

Lead Attorney

Rachel Krevans (rkrevans@mofo.com)

Richard S.J. Hung (rhung@mofo.com)

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, California 94105

Tel: (415) 268-7000

Fax: (415) 268-7522

Michael E. Jones (mikejones@potterminton.com)

Potter Minton, A Professional Corporation

110 North College, Suite 500

Tyler, Texas 75702

Telephone: (903) 597-8311

Facsimile: (903) 593-0846

*Attorneys for Defendant/Counterclaimant
Yahoo! Inc.*

/s/ David J. Beck
(with permission by Michael E. Jones)

David J. Beck
Texas Bar No. 00000070
dbeck@brsfirm.com
Michael E. Richardson
State Bar No. 24002838
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
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, CA 94111
Telephone: 415.875.6600
Facsimile:415.875.6700

Attorneys for Defendant
GOOGLE, INC. and AOL, LLC

/s/ Otis Carroll
(with permission by Michael E. Jones)

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, CA 94111
Telephone: 415.875.6600
Facsimile:415.875.6700

Attorneys for Defendant
IAC SEARCH & MEDIA, INC.

/s/ Richard A. Cederoth
(with permission by Michael E. Jones)

Eric H. Findlay
Ramey & Flock, P.C.
100 E. Ferguson, Suite 500
Tyler, Texas 757 02-0629
(903) 510-5213
(903) 597-2413 (FAX)

Richard A. Cederoth
SIDLEY AUSTIN LLP
One South Dearborn Street
Chicago, IL 60603
Telephone: 312-853-7000
Facsimile: 312-853-7036

Attorneys for Defendant
MICROSOFT CORPORATION

/s/ Christin Cho, with permission by
Michael E. Jones

Christin Cho
christen@dovellaw.com
Gregory S. Dovel
greg@dovellaw.com
Sean Luner
sean@dovellaw.com
DOVEL & LUNER, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069

Calvin Capshaw
ccapshaw@capshawlaw.com
Elizabeth DeRieux
ederieux@capshawlaw.com
N. Claire Abernathy
cabernathy@capshawlaw.com
CAPSHAW DERIEUX, LLP
1127 Judson Road, Suite 220
Longview, TX 75601
Telephone: 903-236-9800
Facsimile: 903-236-8787

Robert Parker
rmparker@pbatyler.com
Christopher Bunt
rcbunt@pbatyler.com
Charles Ainsworth
charley@pbatyler.com
PARKER, BUNT & AINSWORTH PC
100 East Ferguson, Ste. 1114
Tyler, TX 75702
Telephone: 903-531-3535
Facsimile: 903-533-9687

Attorneys for Plaintiff
PERFORMANCE PRICING, INC.

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 December 11, 2008. Any other counsel of record will be served by First Class U.S. mail on this same date.

/s/ Michael E. Jones _____