

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 FIRST ROUND OF MEDIATION

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. Pursuant to the Court’s May 19, 2008 Mediation Order (Docket No. 102), the current deadline for the parties to complete the first round of mediation is January 30, 2009.
2. Plaintiff and Defendants agree that further investigation of claims and defenses than is practicable by January 30, 2009 will be necessary to allow for meaningful mediation.
3. Plaintiff and Defendants have agreed to an extension of the deadline for the first round of mediation and respectfully request this Court to extend the deadline to May 15, 2009.
4. 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 the first round of mediation until May 15, 2009.

Dated: December 16, 2008

/s/ Michael E. Jones

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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 16, 2008. Any other counsel of record will be served by First Class U.S. mail on this same date.

/s/ Michael E. Jones _____