

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 AMEND THE DOCKET CONTROL ORDER REGARDING THE
P.R. 4-3 DEADLINE**

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 on the Court’s May 14, 2008 Amended Docket Control Order [#99] for the parties to comply with P.R. 4-3 and file their Joint Claim Construction and Pre-hearing Statement is January 30, 2009.
2. Plaintiff and Defendants have agreed to an extension to file their Joint Claim Construction and Pre-hearing Statement and respectfully request this Court to extend the deadline to file same to February 10, 2009.
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 filing their P.R. 4-3 Joint Claim Construction and Pre-hearing Statement until February 10, 2009. A proposed order is attached to this motion for the Court's use.

Dated: January 26, 2009

Respectfully submitted,

/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 January 26, 2009. Any other counsel of record will be served by First Class U.S. mail on this same date.

/s/ Michael E. Jones _____