

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC.; AOL LLC; MICROSOFT  
CORP.; YAHOO! INC.; AND IAC SEARCH  
& MEDIA, INC.,

Defendants.

Civil Action No. 2-07CV-432-LED  
(Eastern District of Texas)

**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, and Yahoo! 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 December 17, 2008 Order Granting Joint Motion to Extend Deadline for First Round of Mediation, the current deadline for the parties to complete the first round of mediation is May 15, 2009.

2. Plaintiff and Defendants agree that further investigation of claims and defenses than is practicable by May 15, 2009 will be necessary to allow for meaningful mediation.

Additionally, the parties request an extension of the mediation deadline in order to accommodate the schedules of both the parties and the assigned mediator.

3. Plaintiff and Defendants believe a second extension of the deadline for the first round of mediation would be helpful, and therefore respectfully request this Court to extend the deadline to July 31, 2009.

4. Plaintiff and Defendants seek this 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 July 31, 2009.

DATED: May 15, 2009

*/s/ Richard S.J. Hung*

*(with permission by Emily C. O'Brien)*

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*/s/ Emily C. O'Brien*

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**GOOGLE INC. and AOL LLC**

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*/s/ Laura A. Kolb*  
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*/s/ Christin Cho*  
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***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 May 15, 2009.

*/s/ Emily C. O'Brien*

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