

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 PATENT RULE 4-5(d) FILING

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff Performance Pricing, Inc. (“Plaintiff”) and Defendants Google Inc., AOL LLC, and Microsoft Corporation (“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 Docket Control Order issued on May 14, 2008, the deadline for the parties to comply with Patent Rule 4-5(d) is June 11, 2009.
2. Plaintiff and Defendants request an extension of this deadline until June 12, 2009, to coincide with the filing of Defendants' sur-reply in support of its responsive brief regarding claim construction.
3. Plaintiff and Defendants believe an extension of the deadline for the filing of the joint claim construction chart would be helpful, and therefore respectfully request this Court to extend the deadline to June 12, 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 filing of the joint claim construction chart until June 12, 2009.

DATED: June 11, 2009

/s/ Emily C. O'Brien

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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 June 11, 2009.

/s/ Emily C. O'Brien
