

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 DEADLINES FOR EXPERT DISCLOSURES,
DISCOVERY AND DISPOSITIVE MOTIONS**

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 five deadlines 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 parties with the burden of proof are required to designate expert witnesses and produce expert reports on August 17, 2009. The deadline for designation of responsive expert witnesses and production of responsive expert reports is September 18, 2009. The deadline to complete all discovery is October 16, 2009. The deadline to file dispositive motions (including Daubert motions) is November 12, 2009. And the last day to respond to all such motions is December 10, 2009.
2. Plaintiff and Defendants request an extension of these deadlines in order to provide additional time between the claim construction hearing, which occurred on June 18, 2009, and the designation of experts and service of expert reports in this matter. An extension

would provide the parties with the opportunity to incorporate the Court's claim construction order into their expert reports. This extension would also provide the parties with the opportunity to take expert discovery of the designated expert witnesses after these reports have been served, and incorporate such discovery into any dispositive motions the parties may file.

3. Plaintiff and Defendants believe an extension of these deadlines would be helpful, and therefore respectfully request this Court to extend the deadlines as follows:

Deadline for parties with the burden of proof to designate expert witnesses, and expert reports due to September 18, 2009;

Deadline to designate responsive expert witnesses, and expert reports due to October 30, 2009;

Discovery deadline to November 13, 2009;

Last day to file dispositive motions (including Daubert) to November 20, 2009; and

Last day to respond to dispositive motions (including Daubert) to December 18, 2009.

4. Plaintiff and Defendants seek these extensions 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 deadlines in this case as outlined above.

DATED: June 19, 2009

/s/ Emily C. O'Brien

Charles K. Verhoeven
charlesverhoeven@quinnemanuel.com

David A. Perlson
davidperlson@quinnemanuel.com

Jennifer A. Kash
jenniferkash@quinnemanuel.com

Antonio R. Sistos
antoniosistos@quinnemanuel.com

Emily C. O'Brien
emilyobrien@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

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)

Attorneys for Defendant
GOOGLE INC. and AOL LLC

/s/ Laura A. Kolb
(with permission by Emily C. O'Brien)

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. Cederth
Laura A. Kolb
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 Emily C. O'Brien)

Christin Cho
christin@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 June 19, 2009.

/s/ Emily C. O'Brien
