

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC. and AOL LLC,

Defendants.

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

JURY TRIAL DEMANDED

JOINT MOTION TO EXTEND DEADLINES

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiff Performance Pricing, Inc. (“Plaintiff”) and Defendants Google Inc. and AOL LLC (“Defendants”) file this unopposed motion and respectfully ask the Court to extend certain deadlines in this matter. The Court set various pretrial dates in its Docket Control Order (Dkt. 99), its November 25, 2009 Order Granting Motion for Extension of Time to File (Dkt. 260), its December 14, 2009 Order Granting Motion for Extension of Time to File Deadlines (Dkt. 267), and December 30, 2009 Order Amending Docket Control Order (Dkt. 282). The parties respectfully request modification of some of these deadlines as follows:

<u>Pleading/Disclosure</u>	<u>Current Deadline</u>	<u>Proposed New Deadline</u>
Identification of Rebuttal Trial Witnesses	January 8, 2010	January 22, 2010
Daubert Motions	January 8, 2010	February 5, 2010
Pretrial disclosures	January 22, 2010	February 8, 2010
Oppositions to Daubert Motions	January 22, 2010	February 22, 2010

Objections to pretrial disclosures and rebuttal pretrial disclosures	February 12, 2010	February 22, 2010
Objections to rebuttal pretrial disclosures	February 26, 2010	March 3, 2010
Joint Pretrial Order, Joint Proposed Jury Instructions, Form of the Verdict, Proposed Finding of Fact and Conclusions of Law, and the Notice of Request for Daily Transcript or Real Time Reporting of the Court	January 22, 2010	March 4, 2010
Replies to Daubert Motions	February 1, 2010	March 4, 2010

WHEREFORE, Plaintiff and Defendants respectfully request that the Court modify certain deadlines as outlined above. Plaintiff and Defendants seek these extensions of time not for delay but for good cause and that justice may be served.

DATED: January 6, 2010

/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 January 6, 2010.

/s/ Emily C. O'Brien

Emily C. O'Brien, *pro hac vice*