

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), and its January 7, 2010 Order Granting Motion to Extend Deadlines (Dkt. 289). 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> |
|---|-------------------------|------------------------------|
| Oppositions to Daubert Motions  | February 22, 2010       | February 26, 2010            |
| Objections to pretrial disclosures and rebuttal pretrial disclosures  | February 22, 2010       | March 1, 2010                |
| Objections to rebuttal pretrial disclosures   | March 3, 2010           | March 10, 2010               |
| Joint Pretrial Order, Joint Proposed Jury Instructions, Form of the Verdict, Proposed Finding of Fact and Conclusions of Law, | March 4, 2010           | March 11, 2010               |

|  |                   |               |
|--|-------------------|---------------|
| and the Notice of Request for Daily Transcript or Real Time Reporting of the Court |                   |               |
| Replies to Daubert Motions   | March 4, 2010     | March 9, 2010 |
| Motions in Limine  | February 25, 2010 | March 5, 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: February 12, 2010

*/s/ Emily C. O'Brien*

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**GOOGLE INC. and AOL LLC**

*/s/ Rick Lyon*  
*(with permission by Emily C. O'Brien)*

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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 February 12, 2010.

*/s/ Emily C. O'Brien*

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