

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC., AOL LLC, MICROSOFT  
CORPORATION, YAHOO! INC.,  
IAC SEARCH & MEDIA, INC., and  
A9.COM, INC.,

Defendants.

Case No. 2:07-cv-432 (RRR)

**JURY TRIAL DEMANDED**

**Plaintiff's Opposition to Motion to Extend Deadlines**

Plaintiff Performance Pricing opposes Defendants' motion to extend the deadline for the joint pretrial order, joint proposed jury instructions, proposed findings of fact and conclusions of law, form of the verdict, and notice of request for daily transcript from March 11, 2010 to March 18, 2010. As Plaintiff explained to Defendants, Plaintiff is willing to grant a modest extension of time to the extent the parties need the additional time to adequately prepare the filings. Indeed, Plaintiff has been very accommodating in this regard and has repeatedly agreed to Defendants' requests for extensions. However, Plaintiff cannot continue to postpone date after date simply because "no pretrial conference or trial date is scheduled in this case." Motion at 1. Plaintiff is preparing to go to trial in April and believes this case should be litigated accordingly. *See* December 2009 Pre-Trial Conference transcript at 67:3-5 ("I would also set a trial which would occur in April, if it's necessary. It would occur sometime between April 12th and April 30th.").

Dated: March 9, 2010

By: /s/ Richard E. Lyon

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ATTORNEYS FOR PLAINTIFF  
PERFORMANCE PRICING, INC.

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document was served, via the Court's CM/ECF system per Local Rule CV-5(a)(3), on counsel for Defendants this 9<sup>th</sup> day of March, 2010.

/s/ Richard E. Lyon  
Richard E. Lyon