

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

PA ADVISORS, LLC,

Plaintiff,

GOOGLE INC., ET AL.,

Defendants.

CASE NO. 2-07CV-480-DF

**GOOGLE INC.'S NOTICE OF  
SUPPLEMENTAL AUTHORITY**

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On September 29, 2009, in the related case of *Bright Response, LLC v. Google Inc.*, et al., Civil Action No. 2:07-CV-371, Judge Everingham issued an order granting in part and denying in part Google Inc.'s ("Google") motion for a protective order to prevent plaintiff from discovering information pertaining to Google's lobbying activities and political contributions though the deposition of Google's in-house attorney and head of patents and patent strategy. Judge Everingham's Order is attached. The Court found that the First Amendment applied to Google's lobbying activities and that discovery would only be permitted to the extent that lobbying activities addressed the patent in suit:

Bright Response intends to inquire into Google's own individual lobbying activities. Thus, Bright Response contends that the information is discoverable and not subject to the qualified privilege. The court disagrees.

Google's activities are protected by the First Amendment. [. . .] Contrary to the plaintiff's arguments, the court finds that the ***lobbying information is relevant only to the extent that the lobbying activities addressed the patent-in-suit***. The court has balanced the plaintiff's need for the information against likelihood that disclosure of the information might adversely impact Google's right to engage in conduct protected by the First Amendment. In light of the fact that Google itself has stated publicly that it is engaged in lobbying activities on the issue of patent

reform, the court will allow the plaintiff to inquire into whether and to what extent Google's lobbying efforts addressed the patent-in-suit.

Order at pages 3-4 (emphasis added). This decision supports Google's Motion To Quash And For A Protective Order To Preclude Deposition of Johanna Shelton. (Dkt # 257). Ms. Shelton is Policy Counsel & Legislative Strategist for Google based in Washington, D.C. *Id.* As set forth in Google's motion and Ms. Shelton's Declaration (Dkt. #257-15), Ms. Shelton advocates public policy positions and has no knowledge of the patent in suit.

DATED: September 29, 2009

Respectfully submitted,

By /s/ Brian C. Cannon

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ATTORNEYS FOR GOOGLE INC.

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service on the 29 of September, 2009. Local Rule CV-5(a)(3)(A).

/s/ Brian C. Cannon  
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