

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

<b>PA ADVISORS, LLC,</b>	§	
	§	
	§	
<b>Plaintiff,</b>	§	<b>Civil Action No. 2:07-cv-480-DF</b>
<b>v.</b>	§	
	§	
<b>GOOGLE, INC., et al.,</b>	§	<b>JURY TRIAL DEMANDED</b>
	§	
<b>Defendants.</b>	§	
	§	

**nXn TECH, LLC’S NOTICE OF EMERGENCY REQUEST FOR HEARING ON  
YAHOO!, INC.’S MOTION TO MODIFY THE PROTECTIVE ORDER  
AND nXn’s OPPOSITION TO YAHOO’S MOTION**

COMES NOW Plaintiff nXn Tech, LLC (formerly known as PA Advisors LLC, “nXn”) and notifies the Court that it has, in its Response to Yahoo's Motion to Modify The Protective Order (which is accompanied by a motion for leave), included a request for a hearing on the motions, if necessary, on an expedited basis. Good cause exists for expedited relief to ensure nXn is not prejudiced in obtaining, in the most efficient way possible, the required source code from Yahoo.

Time is now of the essence in this regard. nXn’s final infringement contentions are due on November 30, 2009. Yet Yahoo seeks, after months of Yahoo’s inactivity in complying with its obligations to produce source code, to modify the Protective Order that has been in place since October 2008. It seeks a modification that adds more time to the process and creates inefficiency in producing source code to nXn. Such inefficiencies cannot be tolerated at this time, when Yahoo did not produce any source code at all until September 24, 2009—and produced its first substantial amount of source code on Wednesday November 4, 2009. Although Yahoo just moved for relief, it has been engaging in self-help by refusing

to provide a printer to nXn, as required by the protective order. Yahoo's refusal has prejudiced nXn and must cease immediately. nXn requires as much time as possible to analyze the source code to meet the November 30, 2009 deadline for its final infringement contentions.

Dated: November 6, 2009

Respectfully submitted,

By: /s/ Andrew D. Weiss

Debera W. Hepburn,  
TX Bar # 24049568  
Email: [dhepburn@heplaw.com](mailto:dhepburn@heplaw.com)  
HEPBURN LAW FIRM PLLC  
P.O. Box 118218  
Carrollton, TX 75011  
Telephone: 214/403-4882  
Facsimile: 888/205-8791

Andrew W. Spangler  
LEAD COUNSEL  
Spangler Law P.C.  
208 N. Green Street, Suite 300  
Longview, Texas 75601  
(903) 753-9300  
(903) 553-0403 (fax)  
[spangler@spanglerlawpc.com](mailto:spangler@spanglerlawpc.com)

Patrick R. Anderson  
Patrick R. Anderson PLLC  
4225 Miller Rd, Bldg. B-9, Suite 358  
Flint, MI 48507  
(810) 275-0751  
(248) 928-9239 (fax)  
[patrick@prapllc.com](mailto:patrick@prapllc.com)

David M. Pridham  
Law Office of David Pridham  
25 Linden Road  
Barrington, Rhode Island 02806  
(401) 633-7247  
(401) 633-7247 (fax)  
[david@pridhamiplaw](mailto:david@pridhamiplaw)

Marc A. Fenster  
CA Bar No. 181067  
Andrew D. Weiss  
CA Bar No. 232974  
RUSS, AUGUST & KABAT  
12424 Wilshire Blvd., 12<sup>th</sup> Floor  
Los Angeles, CA 90025  
(310) 826-7474  
(310) 826-6991 (fax)  
[mfenster@raklaw.com](mailto:mfenster@raklaw.com)  
[aweiss@raklaw.com](mailto:aweiss@raklaw.com)  
BUSTAMANTE, P.C.

John M. Bustamante  
Texas Bar No. 24040618

BUSTAMANTE, P.C.  
54 Rainey Street, No. 721  
Austin, Texas 78701  
Tel. 512.940.3753  
Fax. 512.551.3773  
jmb@BustamanteLegal.com

**CERTIFICATE OF SERVICE**

I certify that counsel of record who are deemed to have consented to electronic service are being served this 6th day of November, 2009, with a copy of this document via the Court's CM/ECF systems per Local Rule CV-5(a)(3). Any other counsel will be served electronic mail, facsimile, overnight delivery and/or First Class Mail on this date.

\s\ Andrew D. Weiss