

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

PA ADVISORS, LLC,
Plaintiff,

v.

GOOGLE, INC., et al.,

Defendants.

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Civil Action No. 2:07-cv-480-RRR

JURY TRIAL DEMANDED

**nXn TECH, LLC'S NOTICE OF FILING
EMERGENCY MOTION TO COMPEL YAHOO!, INC. TO PRODUCE COMPLETE
SOURCE CODE AND CERTAIN RELATED FINANCIAL INFORMATION FROM
PLAINTIFF'S THIRD SET OF INTERROGATORIES TO DEFENDANTS AND
EMERGENCY MOTION FOR EXTENSION OF EXPERT REPORT DEADLINES**

nXn Tech, LLC (f/k/a PA Advisors, LLC) ("nXn") respectfully files this notice to alert the Court that emergency relief is requested in the Motion entitled as indicated above given that (i) today Monday December 21, 2009 marks the close of the discovery period and Plaintiff nXn lacks complete source code for all the accused instrumentalities in this case (as to both Defendants); and (ii) nXn's deadline to serve expert reports on Yahoo!, Inc. ("Yahoo") and Google Inc. ("Google") (collectively, "Defendants"), also is today. Agreement as to an extended deadline has been reached with Google, but as of the time this motion is filed, no definitive response has been obtained from Yahoo, even though it has been suggested that Yahoo also will agree. In addition, the motion requests that this Court expedite its consideration of this motion by scheduling a hearing, if the Court's schedule permits, for Monday December 28, 2009, and requests the Court to order an expedited briefing schedule in light of that requested hearing date. Expedited consideration is requested given the importance of ensuring complete production of

source code as soon as possible for nXn to properly prepare for trial and in light of upcoming deadlines, with jury selection set for March 2, 2010.

Dated: December 21, 2009

Respectfully submitted,

By: /s/ Elizabeth A. Wiley
Elizabeth A. Wiley

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CERTIFICATE OF SERVICE

I certify that the foregoing Notice of Plaintiff nXn was served on all counsel of record by the Court's CM/ECF system on this 21st day of December, 2009, whereas the actual motion and exhibits are filed under seal and served only on counsel for Yahoo pursuant to Rule 5 of the Federal Rules of Civil Procedure.

\s\ Elizabeth A. Wiley
Elizabeth A. Wiley