

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

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

**NXN TECH, LLC’S NOTICE REGARDING MOOTNESS OF MOTION SEEKING
EMERGENCY, EXPEDITED RELIEF AS TO YAHOO!, INC. CONCERNING
EXTENSION OF NXN’S DEADLINE TO SERVE EXPERT REPORTS
AND WITHDRAWING MOTION TO COMPEL CONCERNING FINANCIAL
INFORMATION TIED TO CONTENT MATCH**

nXn Tech, LLC (f/k/a PA Advisors, LLC) (“nXn”) files this Notice to confirm for the Court that in light of the parties’ Joint Motion to Extend Deadlines and Agreement on Time Allowed to Respond to Daubert Motions (D.I. 342), no emergency relief or expedited consideration from the Court is necessary with regard to portions of nXn’s sealed motions filed on December 21, 2009 seeking an extension of the December 21, 2009 deadline for nXn to serve its expert reports on Defendants Google Inc. and Yahoo!, Inc.

I. Background Regarding Agreement to Extend Expert Report Deadline

1. Monday, December 21, 2009 marked the end of the discovery period and the deadline for Plaintiff nXn to serve expert reports on Defendants.
2. Given those deadlines, on December 21, 2009 nXn filed two emergency motions:
 - (i) [Sealed] 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 (D.I. 339); and

- (ii) [Sealed] Emergency Motion to Compel Google Inc. to Produce Complete Source Code and Produce Documents Concerning Applied Semantics, Inc. and Kaltix Corporation and Emergency Motion for Extension of Expert Report Deadlines (D.I. 336).

3. As of the time nXn's motions were finalized for filing, agreement had been reached with Google Inc. ("Google"), regarding the extension of time to serve nXn's expert reports—which nXn stated in its motions—but no definitive agreement had been reached with Defendant Yahoo! ("Yahoo").

4. Agreement was later reached on that issue and related deadlines—as reflected in the later filing of the parties' Joint Motion to Extend Deadlines and Agreement on Time Allowed to Respond to Daubert Motions (D.I. 342).

5. The joint motion renders moot the emergency relief that nXn sought concerning an extension of the expert report deadline, and nXn withdraws those portions of its motions concerning the deadlines.

II. Yahoo Has Produced Content Match Financial Information: nXn's Motion to Compel on that Issue Is Moot, and nXn Withdraws that Part of Its Motion.

6. On December 23, 2009, Yahoo supplemented its interrogatory responses with financial information concerning Content Match. This information was among the information nXn specifically sought to compel in its December 21, 2009 motion.

7. Because Yahoo has now produced that information, nXn's Motion to Compel that particular information is moot, and nXn withdraws that portion of its motion. All other relief requested in nXn's Motion to Compel (D.I. 339) remains pending for the Court's consideration, specifically, nXn's request that the Court compel Yahoo to produce complete source code as set forth in greater detail in that motion.

Dated: December 23, 2009

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served today, December 23, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

\s\ Elizabeth A. Wiley
Elizabeth A. Wiley