

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-RRR
	§	
GOOGLE INC., et al.,	§	
	§	JURY TRIAL DEMANDED
Defendants.	§	
	§	

**PLAINTIFF NXN TECH, LLC'S UNOPPOSED MOTION FOR LEAVE TO CONSIDER
AS TIMELY FILED PLAINTIFF'S RESPONSE IN OPPOSITION TO GOOGLE INC.,'S
MOTION FOR SUMMARY JUDGMENT**

Plaintiff nXn Tech, LLC (f/k/a PA Advisors, LLC) (“nXn”) respectfully files this Motion for Leave, to which Defendant Google Inc. (“Google”) has stated it is unopposed.

1. Pursuant to the Court’s briefing schedule, Defendant Google’s Motion for Summary Judgment was filed on January 15, 2010. According to that same schedule, the Response in opposition of Plaintiff nXn was due ten days later, on January 25, 2010.

2. As indicated by the electronic filing notification the undersigned received of that filing, nXn’s response and exhibits in support regarding the Google Motion were officially filed at 12:22 a.m., January 26, 2010.

3. Opposing counsel for Google (and its co-defendant Yahoo! Inc. (“Yahoo”)) were informed, before the actual filing and service, that some delay in filing would be inevitable: a computer “crash” had slowed down the process of finalizing substantive arguments for the responses.

4. Defendant Yahoo! has represented to counsel for nXn that it will stipulate to the timeliness of the nXn Response filed as to the Yahoo Motion for Summary Judgment.

Accordingly, Yahoo considers no motion for leave necessary regarding nXn's response to Yahoo's Motion for Summary Judgment.

5. nXn files this Motion then only as to the (i) nXn Response in Opposition to the Motion for Summary Judgment of Google (Dkt. Nos. 366-367) and (ii) solely as to the question of timing of that response.

6. nXn requests that the Court grant this motion and deem the filing of the response—22 minutes after the filing deadline—timely for purposes of the summary judgment briefing schedule.

Dated: January 26, 2010

Respectfully submitted,

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By: /s/ Elizabeth A. Wiley

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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 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