

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.	§	
	§	

MOTION TO VACATE JUDGMENT ENTERED ON MARCH 11, 2010 AND ENTER AMENDED FINAL JUDGMENT DISPOSING OF ALL REMAINING CLAIMS

Plaintiff PA Advisors, LLC, now known as nXn Tech, LLC (“nXn”) and Defendants Google Inc. (“Google”) and Yahoo! Inc. (“Yahoo”) move the Court to enter the attached proposed Amended Final Judgment in connection with (i) the Court’s March 3, 2010 order reflecting its intent to grant summary judgment; (ii) the Court’s order that the parties submit a joint written statement of remaining issues¹; and (iii) the Court’s detailed summary judgment order and judgment of March 11, 2010 by which the Court granted a summary judgment of non-infringement for Defendants.²

On the same date that the Court entered its detailed summary judgment order, the Court also signed a Judgment regarding the summary judgment order, which was then entered on the

¹ The parties file this motion and proposed Amended Judgment pursuant to the Joint Written Statement (Dkt. No. 482), in which the parties identified remaining issues to be addressed by a final judgment, and represented that an amended judgment would be submitted “within 3 court days of the Court’s detailed summary judgment order.” Dkt. No. 482.

² By filing this motion and submitting the proposed new judgment, Plaintiff nXn Tech, LLC (“nXn”), formerly known as PA Advisors, LLC, does not agree that judgment should be entered against it. nXn waives none of its rights to complain of all adverse rulings and the final judgment against it

docket. Dkt. No. 484 (“March 11, 2010 Judgment”). The March 11, 2010 Judgment, however, does not address the remaining claims and issues identified by the parties’ Joint Statement.³

Accordingly, the parties request that the Court enter the proposed Amended Final Judgment included with this motion.

³ See *Nystrom v TREX Co.*, 339 F.3d 1347, 1351 (Fed. Cir. 2003) (noting a procedure of dismissing counterclaims with prejudice for final judgment after summary judgment of non-infringement granted).

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that 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 ECF system per Local Rule CV-5(a)(3), as well as by electronic mail. Any other counsel of record will be served via electronic mail, facsimile transmission and/or first class mail on today's date.

By /s/ David A. Perlson
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