

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’S UNOPPOSED MOTION TO SUPPLEMENT RECORD OF MARCH 1,
2010 HEARING ON DEFENDANTS’ MOTIONS FOR SUMMARY JUDGMENT**

Plaintiff PA Advisors, LLC, now known as nXn Tech, LLC (“nXn”), respectfully files this motion in order to complete the record of the March 1, 2010 proceedings before the Court. Specifically, nXn moves the Court to allow nXn to supplement the record of the March 1, 2010 hearing with the slides that nXn counsel provided to the Court and opposing counsel in connection with the oral argument presented by Plaintiff nXn. Defendants Yahoo! Inc. and Google Inc. (collectively “Defendants”) are unopposed to this request.

1. On March 1, 2010, the Court held an oral hearing on Defendants’ Motions for Summary Judgment.¹ Defendants presented argument in support of their respective motions using a slide presentation, and Plaintiff nXn, in support of its responses to those motions, also presented argument using a slide presentation. Courtesy copies of all parties’ presentations were provided to the Court and to opposing counsel.

¹ See Defendant Yahoo! Inc.’s Motion for Summary Judgment of Non-Infringement (Dkt. No. 356); Defendant Google Inc.’s Motion for Summary Judgment on Non-Infringement Based on Divided Infringement (Dkt. No. 355); Google Inc.’s Motion for Summary Judgment of Non-Infringement (Dkt. No. 386); Defendant Yahoo! Inc.’s Second Motion for Summary Judgment of Non-Infringement (Dkt. No. 390); Dkt. No. 407 (order setting pretrial conference and stating motions for summary judgment to be heard first at March 1, 2010 pretrial conference).

2. Because nXn counsel referred to the information on the slides in support of and as part of the oral argument in opposition to Defendants' summary judgment motions, the transcript alone does not comprise a complete record of nXn's arguments.

3. Accordingly, to ensure the record reflects all information before the Court at the March 1 hearing, nXn requests that the slides be made part of the record for that hearing. A true and correct copy of only those slides comprising nXn's oral argument regarding the summary judgment motions, as served on opposing counsel and provided to the Court, is attached as Exhibit A.

Wherefore, Plaintiff nXn Tech, LLC respectfully requests that for the above-stated reasons, the Court grant this motion and order that the slides, attached as Exhibit A, comprise part of the March 1, 2010 proceedings in this Court and that the record of those proceedings be supplemented with the slides attached as Exhibit A.

Dated: March 30, 2010,

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 on March 30, 2010 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
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