

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

NORTHEASTERN UNIVERSITY and  
JARG CORPORATION

Plaintiffs,

v.

GOOGLE INC.

Defendant.

Case No. 2:07-CV-486-CE

JURY TRIAL DEMANDED

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO SUPPLEMENT DAMAGES  
EXPERT REPORT AND EXTEND DEADLINE FOR GOOGLE'S REBUTTAL REPORT**

Plaintiffs Northeastern University and Jarg Corporation move for leave to supplement Plaintiffs' expert report on damages and to extend the deadline for Defendant Google Inc.'s rebuttal expert report on damages. Defendant does not oppose this motion.

Plaintiffs' expert report on damages was timely served on December 15, 2010. On January 4, 2011, and prior to service of Defendant's rebuttal report on damages, the United States Court of Appeals for the Federal Circuit issued its decision in *Uniloc USA, Inc. v. Microsoft Corporation*. Plaintiffs seek to supplement to its damages expert report in light of this new precedent. Plaintiffs agree to serve that supplement to Defendant by Friday, January 7, 2011. Defendant has asked to extend the deadline for its rebuttal report on damages to January 14, 2011 to allow sufficient time for its expert to respond to Plaintiffs' supplement.

Counsel for Plaintiffs and Defendant have conferred and (i) Defendant does not object to Plaintiffs' request for leave to supplement its expert report on damages by January 7, 2011, but reserves all right to object to the supplemental report if it is not limited to addressing issues

raised by the *Uniloc* case that could not have been addressed earlier; and (ii) Plaintiffs agree to extend the deadline for Defendant to serve its rebuttal expert report on damages to January 14, 2011. Good cause exists for this motion and the requested extension will not affect other dates in the Court's Docket Control Order or Discovery Order.

Dated: January 6, 2011

Respectfully submitted,

*/s/ Michael A. Valek*

---

William B. Dawson (Texas Bar 05603600)  
VINSON & ELKINS LLP  
2001 Ross Avenue, Suite 3700  
Dallas, Texas 75201-2975  
Tel: (214) 220-7926  
Fax: (214) 999-7926  
[bdawson@velaw.com](mailto:bdawson@velaw.com),

David B. Weaver (Texas Bar 00798576)  
David P. Blanke (Texas Bar 02453600)  
David R. Woodcock, Jr. (Texas Bar 24028140)  
Christopher V. Ryan (Texas Bar 24037412)  
Michael A. Valek (Texas Bar 24044028)  
R. Floyd Walker (Texas Bar 24044751)  
Stephen C. Stout (Texas Bar 24060672)  
James D. Shead (Texas Bar 24070609)  
Zeke DeRose, III (Texas Bar 24057421)  
VINSON & ELKINS LLP  
2801 Via Fortuna, Suite 100  
Austin, Texas 78746  
Tel: (512) 542-8400  
Fax: (512) 236-3338  
[dweaver@velaw.com](mailto:dweaver@velaw.com), [dblank@velaw.com](mailto:dblank@velaw.com),  
[dwoodcock@velaw.com](mailto:dwoodcock@velaw.com), [cryan@velaw.com](mailto:cryan@velaw.com),  
[mvalek@velaw.com](mailto:mvalek@velaw.com), [fwalker@velaw.com](mailto:fwalker@velaw.com),  
[sstout@velaw.com](mailto:ssout@velaw.com), [jshead@velaw.com](mailto:jshead@velaw.com),  
[zderose@velaw.com](mailto:zderose@velaw.com)

Otis W Carroll, Jr. (Texas Bar 03895700)  
Collin Maloney (Texas Bar 00794219)  
IRELAND CARROLL & KELLEY  
6101 S Broadway, Suite 500  
Tyler, Texas 75703  
Tel: (903) 561-1600  
Fax: (903) 581-1071  
[Fedserv@icklkw.com](mailto:Fedserv@icklkw.com)

*Attorneys for Plaintiffs Northeastern  
University and Jarg Corporation*

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that he is counsel for the Plaintiffs Northeastern University and Jarg Corporation and has met and conferred regarding this Motion with counsel for Defendant on January 6, 2011. Counsel for Plaintiffs and Defendant have stated that they are unopposed to the relief requested herein.

*/s/ Michael A. Valek*

---

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 6th day of January, 2011.

*/s/ Michael A. Valek*

---