

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

**NORTHEASTERN UNIVERSITY and  
JARG CORPORATION**

**Plaintiffs,**

**v.**

**GOOGLE, INC.**

**Defendant.**

**CIVIL ACTION NO. 2:07-CV-486-CE**

**JOINT MOTION TO EXTEND THE CLOSE OF DISCOVERY  
FOR CERTAIN DEPOSITIONS AND THE DEADLINE FOR  
DAMAGES RELATED MOTIONS IN LIMINE**

Plaintiffs Northeastern University and Jarg Corporation (“Plaintiffs”) and Defendant Google Inc. (“Google”) hereby jointly move this Court for leave (1) to permit the depositions of the parties’ respective experts to be completed on or before March 1, 2011, and the deposition of one fact witness on February 15, 2011; and (2) to extend the due date for motions in limine relating to damages from February 25, 2011, to March 7, 2011.

As set forth in the Court’s October 25, 2010 Order Granting the Parties’ Joint Motion to Extend Time for Expert Reports and Discovery Deadline, the current close of discovery is February 11, 2011. Due to witness schedule conflicts, the parties have agreed to the following deposition schedule: Arthur M. Keller (February 11 & 12, 2011); Vin Lembo (February 15)<sup>1</sup>; Jeffrey S. Vitter (February 14 & 15, 2011); David Martin (February 25, 2011); John Jarosz (February 25, 2011), and W. Christopher Bakewell (March 1, 2011). As a result, the parties seek

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<sup>1</sup> Because Mr. Lembo was identified in Plaintiffs’ initial disclosures on January 28, 2011, Google reserves its rights to seek additional discovery that may be necessary based on Mr. Lembo’s testimony and documents.

leave to conduct these depositions outside of the current close of discovery on the dates set forth above.

As set forth in the Court's August 21, 2008 Discovery Order, the current deadline to file motions in limine is February 25, 2011. Under the parties jointly proposed schedule above, the depositions of the parties' respective damages experts, Jarosz and Bakewell, will not occur until February 25, 2011 and March 1, 2011, respectively, which is on or after the Court's current deadline for motions in limine. As a result, the parties also seek a one week extension of the motions in limine deadline—to March 7, 2011—to file motions in limine on any damages issues, including the expert reports, opinions, or deposition testimony of Jarosz or Bakewell.

No other dates in the Court's Docket Control Order or Discovery Order will be affected, and good cause exists for this motion.

Dated: February 10, 2011

Respectfully submitted,

/s/ Nicole E. Glauser

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**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 10<sup>h</sup> day of February, 2011.

*/s/ Nicole E. Glauser*  
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