

**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

Jury Trial Demand

**DEFENDANT GOOGLE INC.'S UNOPPOSED MOTION FOR LEAVE
TO SUPPLEMENT ITS INVALIDITY CONTENTIONS**

Google seeks leave to supplement its invalidity contentions under P.R. 3-6(b). [Ex. A (Google Inc.'s Amended Invalidity Contentions).] Good cause exists for this motion and Plaintiffs do not oppose this motion.

On March 24, 2010, Plaintiffs' motion for leave to supplement their infringement contentions was granted (Dkt. No. 81). On April 22, 2010, Google provided Plaintiffs with responsive updates to its invalidity contentions in view of the breadth and scope of Plaintiffs' three theories, the Federal Circuit's recent decision in *Ariad Pharmaceuticals, Inc. v. Eli Lilly and Co.*, 598 F.3d 1336 (Fed. Cir., March 22, 2010), and the deposition testimony of Kenneth Baclawski, the named inventor of the patent-in-suit. On May 10, 2010, Plaintiffs' counsel stated that they would not oppose Google's motion to amend its invalidity contentions to reflect the updates Google provided to Plaintiffs.

Granting this motion will not affect the Court's schedule, and no additional briefing in view of the Markman briefs already submitted is believed to be necessary.

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MOTION FOR LEAVE TO SUPPLEMENT ITS
INVALIDITY CONTENTIONS- Page 1

Dated: May 17, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 17, 2010, a true and correct copy of DEFENDANT GOOGLE INC.'S UNOPPOSED MOTION FOR LEAVE TO SUPPLEMENT ITS INVALIDITY CONTENTIONS was served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3). Any other counsel of record not deemed to have consented to electronic service were served by email at northeastern@velaw.com.

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