

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

JOINT MOTION TO ENTER RULE 502 AGREEMENT

Plaintiffs Northeastern University and Jarg Corporation (“*Northeastern and Jarg*”) and defendant Google Inc. (“*Google*”) file this Joint Motion to Enter Rule 502 Agreement.

A privilege dispute exists regarding certain documents and descriptions on the privilege logs for both Northeastern and Jarg and Google. Additionally, Google’s subpoenas *duces tecum* to non-parties Kevin Fiur and IP Knowledge Ventures Inc., doing business as IP Tactics, raise further privilege issues. In an attempt to resolve these issues without the Court’s intervention, Northeastern and Jarg now move the Court to enter an agreed order, attached as Exhibit A, that allows disclosure, without waiver, of privileged or protected information connected with the litigation pending before the Court under FED. R. EVID. 502(d).

Under the agreement, Northeastern, Jarg, Kevin Fiur, and IP Knowledge Ventures Inc. will make available for inspection certain documents over which Northeastern, Jarg, Kevin Fiur, or IP Knowledge Ventures Inc. assert privilege, without waiving any privileges or exemptions that may apply to (1) the documents made available, (2) any information, communication, or mental impressions in the documents made available, (3) any documents, tangible things, electronically stored information, communications, mental impressions, or any other things listed

in the privilege logs, but not made available for Google's inspection, or (4) any documents that fall under the agreed order.

The parties have agreed to this process to help resolve issues with Northeastern and Jarg's privilege log, as well as with privilege issues related to Kevin Fiur and IP Knowledge Ventures Inc. The agreed order does not apply to issues with Google's privilege log.

The parties have conferred and agreed to the attached Rule 502 Order and respectfully request the Court enter the Order to help resolve the outstanding privilege issues.

Respectfully submitted,

/s/ Zeke DeRose, III

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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 14th day of September, 2010.

/s/Zeke DeRose, III
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