

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

IP INNOVATION L.L.C. AND	§	
TECHNOLOGY LICENSING CORPORATION,	§	
	§	
Plaintiffs,	§	
	§	CASE NO. 2:07CV-503-LED
v.	§	
	§	JURY TRIAL REQUESTED
GOOGLE INC.,	§	
	§	
Defendant.	§	

**JOINT MOTION TO EXTEND CERTAIN DEADLINES
FOR DISCOVERY AND REBUTTAL EXPERT WITNESS REPORTS**

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiffs IP Innovation L.L.C. and Technology Licensing Corporation (“Plaintiffs”) and Defendant Google Inc. (“Defendant”) file this joint motion and respectfully ask the Court to extend the following discovery and rebuttal expert witness reports deadlines in this matter. Plaintiffs and Defendant would show the Court as follows:

1. The current discovery deadline for claim construction issues is **August 13, 2009**.
2. Plaintiffs and Defendant have agreed that each party will identify any expert witnesses expected to offer claim construction opinions in the Joint Statement due on July 13, 2009, but that they need not include a summary of each opinion to be offered by such experts at that time. Rather, Plaintiffs and Defendant have agreed that each party will serve declarations setting forth each expert’s claim construction opinions concurrently with their respective initial Markman Briefs and Supporting Evidence under the existing schedule (August 24, 2009 for Plaintiffs, and September 7, 2009 for Defendant). Plaintiffs and Defendant have further agreed that expert depositions concerning claim construction declarations may be conducted after August 13, 2009 as long as they

are completed by **September 14, 2009**, and respectfully request this Court permit this scheduling modification.

3. The current deadline for the parties to exchange rebuttal expert witness reports is **December 7, 2009**.

4. Plaintiffs and Defendant have agreed to a nine day extension to serve rebuttal expert witness reports and respectfully request that this Court extend the deadline to serve these reports to **December 16, 2009**.

5. The current discovery deadline is **January 5, 2010**.

6. Plaintiffs and Defendant have agreed to a ten day extension to the discovery deadline and respectfully request this Court extend the discovery deadline to **January 15, 2010**.

7. Plaintiffs and Defendant seek these extensions of time not for delay but for good cause and that justice may be served.

WHEREFORE, Plaintiffs and Defendant request that the Court:

(i) permit the parties to identify any expert witnesses expected to offer claim construction opinions in their July 13, 2009 Joint Statement without including a summary of each opinion to be offered by such experts at that time, and instead require Plaintiffs and Defendant to serve declarations setting forth each expert's claim construction opinions concurrently with each party's respective initial Markman Brief and Supporting Evidence (August 24, 2009 for Plaintiffs, and September 7, 2009 for Defendant), and permit the parties to conduct expert depositions concerning claim construction declarations after August 13, 2009 as long as they are completed by September 14, 2009;

(ii) extend the deadline for serving rebuttal expert witness reports until December 16, 2009; and

(iii) extend the discovery deadline until January 15, 2010.

Dated: May 1, 2009

Respectfully submitted,

By: /s/ Douglas M. Hall

Raymond P. Niro
Joseph N. Hosteny
Arthur A. Gasey
Paul C. Gibbons
Douglas M. Hall
David J. Mahalek

NIRO, SCAVONE, HALLER & NIRO
181 West Madison, Suite 4600
Chicago, Illinois 60602
Telephone: (312) 236-0733
Facsimile: (312) 236-3137

T. John Ward
WARD & SMITH
111 W. Tyler St.
Longview, Texas 75601
Telephone: (903) 757-6400
Toll Free (866) 305-6400
Facsimile: (903) 757-2323
Eric M. Albritton
ema@emafirm.com
Attorney at Law
P.O. Box 2649
Longview, TX 75606
Telephone: (903) 757-8449
Facisimile: (903) 758-7397

**ATTORNEYS FOR PLAINTIFFS AND COUNTER-CLAIM
DEFENDANTS IP INNOVATION L.L.C. AND
TECHNOLOGY LICENSING CORPORATION**

Dated: May 1, 2009

Respectfully submitted,

By: /s/ David J. Beck

David J. Beck
Texas Bar No. 00000070
dbeck@brsfirm.com
Michael E. Richardson
Texas Bar No. 24002838
mrichardson@brsfirm.com

BECK, REDDEN & SECREST, L.L.P.

One Houston Center
1221 McKinney St., Suite 4500
Houston, TX. 77010
(713) 951-3700

(713) 951-3720 (Fax)

Mark G. Matuschak (admitted *pro hac vice*)

WILMER CUTLER PICKERING HALE AND DORR LLP

60 State Street
Boston, MA 02109

(617) 526-6000

(617) 526-5000 (Fax)

John M. Hintz (admitted *pro hac vice*)

Victor F. Souto (admitted *pro hac vice*)

Ross E. Firsenbaum (admitted *pro hac vice*)

WILMER CUTLER PICKERING HALE AND DORR LLP

399 Park Avenue
New York, NY 10022

(212) 230-8800

(212) 230-8888 (Fax)

Elizabeth Rogers Brannen (admitted *pro hac vice*)

Anna T. Lee (admitted *pro hac vice*)

WILMER CUTLER PICKERING HALE AND DORR LLP

1117 California Avenue
Palo Alto, CA 94304

(650) 858-6042

(650) 858-6100 (Fax)

**ATTORNEYS FOR DEFENDANT AND
COUNTER-CLAIM PLAINTIFF GOOGLE INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Michael E. Richardson
Michael E. Richardson