

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

IP INNOVATION L.L.C. AND
TECHNOLOGY LICENSING CORPORATION,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

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CASE NO. 2:07CV-503-LED

JURY TRIAL REQUESTED

**JOINT MOTION TO EXTEND DEADLINE FOR CLAIM CONSTRUCTION
DISCOVERY AND FILING SUPPLEMENTAL
JOINT CLAIM CONSTRUCTION STATEMENT**

Plaintiffs IP Innovation L.L.C. and Technology Licensing Corporation (“Plaintiffs”) and Defendant Google Inc. (“Defendant”) hereby submit this joint motion regarding the timing of the deposition of Jock Mackinlay (“Mackinlay”), one of the named inventors on U.S. Patent No. 5,276,785.

Claim construction discovery is currently scheduled to close on August 13, 2009. On July 13, 2009, the parties filed a Joint Claim Construction Statement, wherein they agreed to file a supplemental statement to incorporate additional testimony gained through inventor depositions during claim construction discovery.

Google originally noticed Mr. Mackinlay’s deposition for August 10th, and rescheduled it to August 11th in an attempt to accommodate a conflict of plaintiffs’ counsel. At the request of plaintiffs’ counsel, Google has agreed to depose Mr. Mackinlay on August 27, 2009, which will accommodate the schedules of Mr. Mackinlay and both parties.

This deposition date will not affect the *Markman* briefing or any other deadlines. It will allow Google to incorporate relevant testimony of Mr. Mackinlay into its opening *Markman* brief (due September 7, 2009), and will allow the plaintiffs to do so in their reply.

WHEREFORE, Plaintiffs and Defendant respectfully request that the Court allow (a) Mr. Mackinlay's deposition to be held on August 27, 2009, after the currently scheduled close of claim construction discovery; and (b) the parties to file a supplemental joint claim construction statement to incorporate testimony from Mr. Mackinlay's deposition after the deposition occurs and prior to the submission of Google's opening *Markman* brief.

Dated: August 7, 2009

Respectfully submitted,

By: /s/ David J. Mahalek

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**ATTORNEYS FOR PLAINTIFFS AND COUNTER-CLAIM
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Respectfully submitted,

Dated: August 6, 2009

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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