

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

SOFTWARE RIGHTS ARCHIVE, LLC

v.

**GOOGLE INC., YAHOO! INC., IAC
SEARCH & MEDIA, INC., AOL, LLC,
AND LYCOS, INC.**

Civil Case No. 2:07-cv-511 (CE)

**JOINT MOTION TO FURTHER EXTEND DEADLINE TO SUBMIT SUPPLEMENTAL
PROTECTIVE ORDER REGARDING SOURCE CODE UNTIL AND INCLUDING
JANUARY 23, 2009**

Come now Plaintiff Software Rights Archive, LLC and Defendants Google, Inc., Yahoo! Inc., IAC Search & Media, Inc., AOL, LLC, and Lycos, Inc. and file this Joint Motion to Further Extend Deadline to Submit Supplemental Protective Order Regarding Source Code Until and Including January 23, 2009, and in support of same would show the Court as follows:

1. As reflected in Dkt. No. 99, the parties previously reached agreement on the terms of a protective order for this lawsuit with two exceptions:

(A) the parties are continuing to negotiate the provisions of a supplemental protective order governing any source code production. The parties had previously agreed to file, by December 1, 2008: (a) a supplemental protective order governing any source code production; or (b) competing versions of supplemental protective orders governing any source code production, if the parties ultimately cannot reach agreement on this issue. Accordingly, the parties did not ask the Court to rule on any disputes regarding source code production at the time that Dkt. No. 99 was filed.

(B) The parties have not reached agreement on whether in-house counsel should be allowed access to Attorney's Eyes Only material(s) produced by the other side, and the parties have previously submitted competing proposals and arguments on this issue in Dkt. No. 99 and are currently awaiting the Court's ruling on this disputed issue.

2. On November 25, 2008, the parties filed a Joint Motion (Dkt. No. 110) which sought additional time, from December 1, 2008 to December 10, 2008, for the parties to file (a) a supplemental protective order governing any source code production; or (b) competing versions of supplemental protective orders governing any source code production, if the parties ultimately cannot reach agreement on this issue.

3. By Order dated November 26, 2008 (Dkt. No. 111), the extension to December 10, 2008 was granted.

4. On December 10, 2008, the parties filed a Joint Motion (Dkt. No. 115) which sought additional time, from December 10, 2008 to January 14, 2009, for the parties to file (a) a supplemental protective order governing any source code production; or (b) competing versions of supplemental protective orders governing any source code production, if the parties ultimately cannot reach agreement on this issue.

5. By Order dated December 12, 2008 (Dkt. No. 117), the extension to January 14, 2009 was granted.

6. This Joint Motion seeks additional time, from January 14, 2009 to January 23, 2009, for the parties to file (a) a supplemental protective order governing any source code production; or (b) competing versions of supplemental protective orders governing any source code production, if the parties ultimately cannot reach agreement on this issue. Although the parties have been attempting to reach agreement on such a supplemental protective order for this

case, no agreement has yet been reached, and the parties would like more time to attempt to reach an agreement.

This Motion is not sought for delay, but that justice might be done.

WHEREFORE, the parties jointly and respectfully request that they be granted a further extension of time until and including January 23, 2009 to file (a) a supplemental protective order governing any source code production; or (b) competing versions of supplemental protective orders governing any source code production, if the parties ultimately cannot reach agreement on this issue.

Dated: January 14, 2009

Respectfully submitted,

By: /s/ Lee L. Kaplan (by permission)

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 14th day of January, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Thomas B. Walsh, IV
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