

**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 EXTEND CERTAIN SCHEDULING DEADLINES

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 Extend Certain Scheduling Deadlines, and in support of same would show the Court as follows:

1. The parties have reached agreement to extend certain scheduling deadlines in this matter. The current deadlines and the agreed to extended deadlines appear in the below chart:

<u>EVENT</u>	<u>CURRENT DEADLINE</u>	<u>AGREED TO EXTENDED DEADLINE</u>
Deadline for Document Production under paragraph 3(b) of September 12, 2008 Discovery Order (Dkt. No. 82), as extended in Dkt. No. 116. As reflected in Dkt. No. 127, Source Code will not be included by Defendants in this production.	May 15, 2009	June 30, 2009
Deadline for serving a complete computation of any category of damages claimed by any party to this action, making available for inspection and copying as under Rule 34, the documents	June 12, 2009	July 28, 2009

or other evidentiary material on which such computation is based, including materials bearing on the nature and extent of injuries suffered, under paragraph 3(c) of September 12, 2008 Discovery Order (Dkt. No. 82)		
Deadline for Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to privilege)	June 19, 2009	August 4, 2009
Plaintiff will determine which of Defendants' modules (or portions of Defendants' systems), if any, contain Source Code that it contends in good faith should be produced. Plaintiff will identify these modules (or portions of Defendants' systems) in writing to Defendants on or before September 1, 2009. Plaintiff's identification of modules (or portions of Defendants' systems) shall not constitute an admission as to which modules (or portions of Defendants' systems) are relevant to the case, but rather shall merely identify the modules (or portions of Defendants' systems) as to which, as of that date, Plaintiff believes in good faith it needs access to Source Code. Defendants reserve the right to object to any such identification from Plaintiff. At that time, the parties will attempt in good faith to agree on reasonable limits as to the manner, location, and quantity with regard to printing of any	July 17, 2009	September 1, 2009

of the production. Nothing herein shall preclude Plaintiff from seeking further discovery relating to Defendants' Source Code or shall obligate Defendants to acquiesce to such discovery. Nothing in this Order shall obligate the parties to produce or relieve the parties from producing any Source Code or constitute an admission that any particular source code or object code is, or is not, discoverable.		
On or before September 15, 2009, the parties will file a joint motion to further supplement the Protective Order to address issues and protocols regarding discovery of Source Code, or otherwise notify the Court of any disputes regarding the discovery of Source Code.	July 31, 2009	September 15, 2009

2. This case is still in its relatively early stages, and the above agreed to extended deadlines will not adversely affect any other of the Court's deadlines. For example, jury selection is not scheduled to occur until May 2, 2011.

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

WHEREFORE, the parties jointly and respectfully request that the above deadlines be extended as agreed to by the parties as set forth in the above chart.

Dated: April 28, 2009

Respectfully submitted,

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

Lee L. Kaplan
LEAD ATTORNEY
State Bar No. 11094400
SMYSER KAPLAN & VESELKA, L.L.P.
700 Louisiana, Suite 2300
Houston, Texas 77002
(713) 221-2323
(713) 221-2320 (fax)
lkaplan@skv.com

Victor G. Hardy
State Bar No. 00790821
(Requesting Admission *Pro Hac Vice*)
Andrew G. DiNovo
State Bar No. 00790594
Adam G. Price
State Bar No. 24027750
Jay D. Ellwanger
State Bar No. 24036522
DiNOVO PRICE ELLWANGER LLP
P.O. Box 201690
Austin, Texas 78720
(512) 681-4060
(512) 628-3410 (fax)
vhardy@dpelaw.com

Of counsel:

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
CAPSHAW DERIEUX
1127 Judson Road, Suite 220
P.O. Box 3999
Longview, TX 75606-3999
(903) 236-9800
(903) 236-8787 (fax)
ccapshaw@capshawlaw.com

Robert M. Parker
State Bar No. 15498000
Robert C. Bunt
State Bar No. 00787165
Charles Ainsworth
State Bar No. 0078352
PARKER, BUNT & AINSWORTH, P.C.
100 East Ferguson, Suite 1114
Tyler, Texas 75702
(903) 531-3535
(903) 533-9687 (fax)

ATTORNEYS FOR PLAINTIFF
SOFTWARE RIGHTS ARCHIVE,
L.L.C.

By: /s/ Thomas B. Walsh, IV

Juanita R. Brooks – Lead Attorney
(CA Bar No. 75934)

E-mail: brooks@fr.com

Jason W. Wolff

(CA Bar No. 215819)

E-mail: wolff@fr.com

Fish & Richardson P.C.

12390 El Camino Real

San Diego, CA 92130

Telephone: (858) 678-5070

Facsimile: (858) 678-5099

Thomas B. Walsh, IV

Texas Bar No. 00785173

Fish & Richardson P.C.

5000 Bank One Center

1717 Main Street

Dallas, TX 75201

Telephone: (214) 747-5070

Facsimile: (214) 747-2091

E-mail: walsh@fr.com

Harry L. Gillam, Jr.

Texas Bar No. 07921800

E-mail: gil@gillamsmithlaw.com

Melissa R. Smith

Texas Bar No. 24001351

E-mail: melissa@gillamsmithlaw.com

GILLAM & SMITH, L.L.P.

303 South Washington Avenue

Marshall, TX 75670

Telephone: (903) 934-8450

Facsimile: (903) 934-9257

Attorneys for Defendants GOOGLE INC. and
AOL LLC

By: /s/ Richard S.J. Hung (by permission)

Michael A. Jacobs (CA Bar No. 111664)

Richard S. J. Hung (CA Bar No. 197425)

MORRISON & FOERSTER

425 Market Street

San Francisco, CA 94105

Telephone: 415-268-7000

Facsimile: 415-268-7522

Email: mjacobs@mofo.com

Email: rhung@mofo.com

Michael E. Jones

Texas Bar No. 10929400

Potter Minton, A Professional Corporation

110 North College, Suite 500

Tyler, Texas 75702

Telephone: (903) 597-8311

Facsimile: (903) 593-0846

Email: mikejones@potterminton.com

Attorneys for Defendant YAHOO! INC.

By: /s/ Jennifer A. Kash (by permission)
Claude M. Stern (CA Bar No. 96737)
Jennifer A. Kash (CA Bar No. 203679)
QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP
555 Twin Dolphin Drive, Suite 560
Redwood Shores, CA 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100
Email: claudestern@quinnemanuel.com
Email: jenniferkash@quinnemanuel.com

Otis Carroll
Tex. Bar No. 03895700
Collin Maloney
Tex. Bar No. 00794219
IRELAND, CARROLL & KELLEY, P.C.
6101 S. Broadway, Suite 500
Tyler, Texas 75703
Tel: (903) 561-1600
Fax: (903) 581-1071
Email: Fedserv@icklawn.com

Attorneys for Defendants IAC SEARCH &
MEDIA, INC. and LYCOS, INC.

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 28th day of April, 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
Thomas B. Walsh, IV