

**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 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 Further 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. 163. As reflected in Dkt. No. 127, Source Code will not be included by Defendants in this production. | September 30, 2009 | October 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 | October 28, 2009 | November 30, 2009 |

| | | |
|---|-------------------------|-------------------------|
| <p>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)</p> | | |
| <p>Deadline for Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to privilege)</p> | <p>November 4, 2009</p> | <p>December 4, 2009</p> |
| <p>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 January 8, 2010. 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</p> | <p>December 7, 2009</p> | <p>January 8, 2010</p> |

| | | |
|--|--------------------------|-------------------------|
| <p>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.</p> | | |
| <p>On or before January 22, 2010, 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.</p> | <p>December 23, 2009</p> | <p>January 22, 2010</p> |

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 further extended as agreed to by the parties as set forth in the above chart.

Dated: September 25, 2009

Respectfully submitted,

By: /s/ Lee L. Kaplan (with permission by
Michael E. Jones)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 25, 2009. Any other counsel of record will be served by First Class U.S. mail on this same date.

/s/ Michael E. Jones
