

**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 IAC Search & Media, Inc. 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. Plaintiff Software Rights Archive, LLC and Defendants IAC Search & Media, Inc. and Lycos, Inc. 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>(Defendants IAC Search & Media, Inc. and Lycos, Inc.)</u>	<u>AGREED TO EXTENDED DEADLINE</u> <u>(Defendants IAC Search & Media, Inc. and Lycos, Inc.)</u>
Deadline for Document Production under paragraph 3(b) of September 12, 2008 Discovery Order (Dkt. No. 82), as extended in Dkt. No. 172. As reflected in Dkt. No. 127, Source Code will not be included by Defendants in this production.	November 30, 2009	January 6, 2010

<u>EVENT</u>	<u>CURRENT DEADLINE</u> <u>(All Defendants)</u>	<u>AGREED TO EXTENDED</u> <u>DEADLINE</u> <u>(Defendants IAC Search & Media, Inc. and Lycos, Inc.)</u>
<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 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</p>	<p>January 8, 2010</p>	<p>February 8, 2010</p>

<u>EVENT</u>	<u>CURRENT DEADLINE</u> (All Defendants)	<u>AGREED TO EXTENDED DEADLINE</u> (Defendants IAC Search & Media, Inc. and Lycos, Inc.)
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. (Dkt. No. 166)		

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, Plaintiff Software Rights Archive, LLC and Defendants IAC Search & Media, Inc. and Lycos, Inc. jointly and respectfully request that the above deadlines be further extended as agreed to by these parties as set forth in the above chart.

Dated: November 11, 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, LLC

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@icklaw.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 []th day of November, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Collin Maloney
Collin Maloney