

**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)**

**DEFENDANTS' OPPOSITION TO SOFTWARE RIGHTS ARCHIVE, LLC'S OPPOSED  
MOTION FOR LEAVE TO FILE THIRD SUPPLEMENTAL BRIEF  
OPPOSING DEFENDANTS' MOTION TO TRANSFER**

Software Rights Archive, LLC's ("SRA") motion for leave to file a third supplemental brief brings nothing new to the transfer motion pending before this Court. The motion for leave purports to "alert" the Court to a six month old non-precedential Federal Circuit opinion and then rehashes SRA's delay argument, seeking only to postpone a ruling on Defendants' transfer motion.

The Court already has everything it needs to decide Defendants' pending motion to transfer venue, and SRA offers no genuine basis for its *third* attempt to delay a decision. SRA's motion for leave to file an additional brief should be denied.

SRA claims that its proposed supplemental brief will "apprise[] the Court of recent Federal Circuit rulings regarding transfer." (Motion at 1.) SRA's proposed brief, however, focuses at length on *In re VTech Commc'ns, Inc.*, 2010 WL 46332 (Fed. Cir. Jan. 6, 2010) — a case SRA concedes issued over six months ago and which Defendants brought to the Court's attention at that time and briefed in their motion for stay. (Dkt. No. 286 at 2.) *VTech* need not

be rehashed in a *fourth* round of briefing on transfer. Instead, if we needed any further evidence that the latency of the transfer motion has been “engineered” by SRA, we have it now.

SRA also hopes to shift the blame for the passage of time onto the Defendants. As the record makes absolutely clear, however, Defendants have actively pursued their transfer motion. After appropriately moving for transfer following motion practice on the standing issue, Defendants opposed SRA’s attempt to prolong briefing on the motion for transfer, moved to request oral argument or in the alternative for a continuance, and moved for a stay. (Dkt. Nos. 130, 135, 236, 286.)

For these reasons, and to make clear again that they object to SRA’s efforts to prolong decision making on the transfer motion while proliferating disputes, Defendants respectfully ask the Court to deny SRA’s motion.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 15<sup>th</sup> day of July, 2010, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by a facsimile transmission and/or first class mail.

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