

**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' UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE
REPLY BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

Defendants Google Inc., Yahoo! Inc., IAC Search & Media, Inc., AOL, LLC, and Lycos, Inc. (collectively, "Defendants"), through their undersigned counsel, respectfully move this Honorable Court for an unopposed extension of time to file a reply brief in further support of Defendants' Motion to Dismiss for Lack of Standing. In support of their request for an extension, Defendants state as follows:

1. This patent infringement action was commenced on November 21, 2007. The deadlines for the *Markman* hearing and trial are November 10, 2010 and May 2, 2011, respectively.
2. Defendants filed a Motion to Dismiss for Lack of Standing on July 16, 2008 (Docket No. 66).
3. On July 17, 2008, Defendants consented to a request by the Plaintiff, Software Rights Archive, LLC ("SRA"), for a 25-day extension (i.e., 40 days from the filing of the motion) for SRA to file its opposition brief. *See* Docket No. 67.
4. SRA filed its opposition brief on August 25, 2008 (Docket No. 76). Under the Local Rules of this Court, Defendants' Reply Brief is currently due on September 5, 2008.

5. In SRA's opposition, SRA attached declarations from Jeffrey Ait (who is believed to reside in South Carolina) and Christopher Lynch (who is believed to reside in North Carolina).

6. Upon information and belief, SRA's counsel was allowed access to third party documents held by a Sharon Fugitt in California.

7. Defendants believe that to properly respond to the allegations in Plaintiff SRA's opposition, Defendants require jurisdictional discovery limited to the issue of standing. At this time, Defendants anticipate that they will need to conduct at least the following discovery related to the issue of standing: oral deposition of and subpoena documents from: (1) Jeffrey Ait, (2) Daniel Egger, (3) Sharon Fugitt, and (4) J. Christopher Lynch. This jurisdictional discovery will require the additional time requested and serves the interests of justice and judicial efficiency since the court's jurisdiction is a threshold matter. Accordingly, this motion is not for purposes of delay but rather so that justice may be done.

8. The relief requested in this motion is not opposed by Plaintiff SRA.

WHEREFORE, Defendants respectfully request that they be granted a 45-day extension of time – until and including October 20, 2008 – to allow sufficient time to conduct jurisdictional discovery on the issues related to SRA's alleged standing and to file their reply brief to SRA's opposition.

Dated: September 2, 2008

Respectfully submitted,

By: /s/ Thomas B. Walsh, IV

Juanita R. Brooks – Lead Attorney
(CA Bar No. 75934)
E-mail: brooks@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 CONFERENCE

The undersigned hereby certifies that a conference was held with Lee Kaplan, counsel for SRA, regarding the relief requested herein by Defendants – that Defendants be allowed until and including October 20, 2008 to file their reply brief related to the motion to dismiss previously filed by Defendants. Counsel for SRA stated that SRA does not oppose this request.

/s/ Thomas B. Walsh, IV
Thomas B. Walsh, IV

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on September 2, 2008 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Thomas B. Walsh, IV
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