

**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 A FURTHER 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 further extension of time to file a reply brief in 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 an extension 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 would have been due on September 5, 2008.

5. On September 3, 2008, the Court granted Defendants' Unopposed Motion for an Extension of Time which granted Defendants an extension until and including October 20, 2008 to file their Reply Brief so that Defendants' could conduct jurisdictional discovery on standing issues. (Docket No. 79).

6. Defendants have been conducting jurisdictional discovery on standing issues and in that regard have thus far taken 3 oral depositions and have reviewed and/or obtained voluminous documents by way of subpoena on issues related to standing. As a result, Defendants believe that they need additional time to properly respond to the evidence and arguments raised by SRA in its Opposition and therefore request a further extension from October 20, 2008 until and including November 10, 2008 to file their Reply Brief.

7. This brief additional time requested from October 20, 2008 to November 10, 2008 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 of a further extension from October 20, 2008 to November 10, 2008 for the filing of Defendants' Reply Brief is not opposed by Plaintiff SRA.

WHEREFORE, Defendants respectfully request that they be granted a further extension of time – until and including November 10, 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: October 14, 2008

Respectfully submitted,

By: /s/ Thomas B. Walsh, IV

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### **CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that a conference was previously held with Lee Kaplan, counsel for SRA, regarding the relief requested herein by Defendants – that Defendants be allowed until and including November 10, 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/ Richard S.J. Hung (by permission)  
Richard S.J. Hung

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 14, 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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