

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

ACTUS, LLC

Plaintiff,

VS.

BANK OF AMERICA CORP., ET AL

Defendants.

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Civil Action No. 2:09-CV-102-TJW

**DEFENDANT GOOGLE INC.'S FIFTH UNOPPOSED  
MOTION TO EXTEND TIME TO ANSWER OR OTHERWISE  
RESPOND TO PLAINTIFF'S SECOND AMENDED COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

I.

NOW COMES, Defendant GOOGLE INC., without waiving any defenses described or referred to in Rule 12 F.R.C.P., and moves the Court to extend the time within which Defendant is required to move, answer or otherwise respond to Plaintiff's Second Amended Complaint for Patent Infringement up to and including October 20, 2009.

II.

Counsel for Plaintiff, Actus, LLC, is not opposed to this request.

III.

Defendant seeks this extension of time not for delay but for good cause and that justice may be served.

WHEREFORE, GOOGLE INC. respectfully prays that the time to answer, move or otherwise respond to ACTUS, LLC's Second Amended Complaint for Patent Infringement be extended to and include October 20, 2009.

Dated: September 29, 2009

Respectfully submitted,

GILLAM & SMITH, L.L.P.

/s/

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Harry L. Gillam, Jr.  
State Bar No. 07921800  
Melissa R. Smith  
State Bar No. 24001351  
GILLAM & SMITH, L.L.P.  
303 South Washington Avenue  
Marshall, Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
[gil@gillamsmithlaw.com](mailto:gil@gillamsmithlaw.com)  
[melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on September 29, 2009, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/

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Harry L. Gillam, Jr.