

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

BENEFICIAL INNOVATIONS, INC.,

Plaintiff,

v.

COMCAST CORPORATION, a Delaware corporation; THE DALLAS MORNING NEWS, INC., a Delaware corporation; DIGG, INC., a Delaware corporation; DISNEY ONLINE, a California corporation; THE WALT DISNEY COMPANY, a Delaware corporation; EBAUM'S WORLD, INC., a New York corporation; FACEBOOK, INC., a Delaware corporation; GOOGLE INC., a Delaware corporation; IAC SEARCH & MEDIA, INC., a Delaware corporation, MORRIS COMMUNICATIONS COMPANY, LLC, a Georgia limited liability company; NBC UNIVERSAL, INC., a Delaware corporation; THE NEW YORK TIMES COMPANY, a New York corporation; and YOUTUBE, LLC, a Delaware limited liability company,

Defendants.

Civil Action No. 2:09-cv-175-TJW

JURY TRIAL DEMANDED

**DIGG INC.'S UNOPPOSED MOTION FOR EXTENSION OF TIME
IN WHICH TO ANSWER, MOVE OR OTHERWISE RESPOND
TO BENEFICIAL INNOVATIONS, INC.'S
AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Defendant Digg, Inc. ("Digg"), without waiving any defenses or any matters that might be presented pursuant to Federal Rule of Civil Procedure 12(b) or any other rule or law, files this unopposed motion for extension of time in which to answer, move, or otherwise respond to Plaintiff Beneficial Innovation, Inc.'s ("Beneficial") Amended Complaint for Patent Infringement and would respectfully show the Court as follows:

Digg has requested and Beneficial has agreed to an extension of Digg's time to respond in any manner whatsoever including answer, motion or other pleading of any type to Beneficial's Amended Complaint for Patent Infringement. Specifically, Digg requests, and Beneficial does not oppose, an additional extension of time up to and including November 4, 2009.

A proposed Order granting this unopposed motion is attached for the Court's convenience.

Dated: October 2, 2009

Respectfully submitted,

/s/ D. Stuart Bartow

Byron W. Cooper

CA State Bar No. 166578

D. Stuart Bartow

CA State Bar No. 233107

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ATTORNEYS FOR DEFENDANT
DIGG, INC.

CERTIFICATE OF CONFERENCE

I certify that I have complied with the meet and confer requirement in Local Rule CV-7(h) and this motion is unopposed.

/s/ D. Stuart Bartow
D. Stuart Bartow

CERTIFICATE OF SERVICE

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 2nd day of October, 2009. Any other counsel of record will be served by first class mail.

/s/ D. Stuart Bartow
D. Stuart Bartow