

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

ROCKSTAR CONSORTIUM US LP)
AND NETSTAR TECHNOLOGIES LLC,)

Plaintiffs,)

v.)

GOOGLE INC.)

Defendant.)

Civil Action No. 13-cv-00893-JRG-RSP

JURY TRIAL DEMANDED

**GOOGLE’S UNOPPOSED MOTION FOR EXPEDITED CONSIDERATION OF
GOOGLE’S OBJECTIONS TO THE ORDER DENYING ITS MOTION TO TRANSFER**

Google respectfully requests that the Court expedite consideration of Google's Objections to the Memorandum Order denying Google's Motion to Transfer to the Northern District of California (Dkt. 165), filed contemporaneously herewith.

Time is of the essence because this case has already advanced significantly since Google filed its original motion. Rockstar filed its complaint for patent infringement on October 31, 2013. (Dkt. 1.) Google promptly moved to transfer on January 10, 2014, the same day that it answered Rockstar's complaint. (Dkt. 18; Dkt. 20.) On September 23, 2014, Magistrate Payne issued a Memorandum Order denying transfer. In the interim, on May 13, 2014, the Court entered a Docket Control Order setting case deadlines on an expedited schedule under which the parties have already served infringement contentions and invalidity contentions, the September 16, 2014 deadline to substantially complete document production has passed, the *Markman* hearing is set for October 28, summary judgment letter briefs are due December 22, fact discovery closes January 7, 2015, and trial is set for June 8, 2015. (Dkt. 68.) Several important discovery issues are also pending with a hearing set for October 9.¹

Given the stage of the case, and the upcoming deadlines under the expedited schedule in place, expedited consideration of Google's Objections is critical to preserve Google's opportunity to avail itself of the benefit of its requested relief, transfer to the more convenient forum in the Northern District of California. Accordingly, Google respectfully asks for expedited consideration of its Objections, as the Court's docket allows.

¹ The following motions are set for hearing on October 9: Google's Motion for the Court To Enter Its Model Order Focusing Patent Claims and Prior Art (Dkt. 105); Google's Motion To Strike Rockstar's Infringement Contentions (Dkt. 122); Google's Motion To Compel Complete Interrogatory Responses (Dkt. 136); Rockstar's Motion To Strike Google's Invalidity Contentions (Dkt. 117); Rockstar's Motion To Compel Discovery (Dkt. 126); Nortel's Motions for Protective Order (Dkt. 150; Dkt. 152).

DATED: October 3, 2014

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By /s/ David Perlson

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CERTIFICATE OF CONFERENCE

I hereby certify that the parties met and conferred in writing pursuant to Local Rule CV-7(h). On October 3, 2014, counsel for Rockstar (Justin Nelson) stated by email that Rockstar takes no position on the relief requested and does not oppose the motion.

/s/ David A. Perlson

David A. Perlson

CERTIFICATE OF SERVICE

The undersigned hereby certifies 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 October 3, 2014.

/s/ Sam Stake

Sam Stake