

**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.

Case No. 2:13-cv-00893-JRG-RSP

JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION FOR LEAVE TO FILE A SUPPLEMENTAL BRIEF
IN RESPONSE TO GOOGLE'S MOTION TO TRANSFER
IN LIGHT OF NEWLY-ACQUIRED EVIDENCE**

Plaintiffs Rockstar Consortium US LP and NetStar Technologies LLC (“Plaintiffs”) respectfully request leave to file a supplemental brief in response to Google Inc.’s (“Google”) Motion to Transfer in light of newly-acquired evidence. After briefing on Google’s Motion to Transfer was complete, Google served its Preliminary Invalidation Contentions on May 23, 2014, and also sent notice of several subpoenas during the month of June 2014 (including eight subpoenas served just today). *See* Bonn Decl. Exhs. 1-66. Evidence from these contentions and subpoenas is relevant to the transfer inquiry and was not available to Plaintiffs at the time their response to Google’s motion and sur-reply were due.

There is good cause to permit supplementation of Plaintiffs’ response to the transfer motion, as (1) Plaintiffs could not have submitted such evidence by the original briefing deadlines, notwithstanding their exercise of reasonable diligence, (2) the evidence is important to the Court’s resolution of the pending transfer motion, and (3) Google will not be unfairly prejudiced by the submission of its own Invalidation Contentions and subpoenas in relation to its pending transfer motion. *See S&W Enters., L.L.C. v. South Trust Bank of Alabama, NA*, 315 F.3d 533, 535 (5th Cir. 2003) (setting forth good cause standard for modifying scheduling deadlines). During the meet-and-confer on this motion for leave, Google’s counsel suggested that submission of this supplemental brief would unduly delay resolution of the transfer motion. Plaintiffs respectfully submit that far from causing undue delay, consideration of Google’s Invalidation Contentions and subpoenas instead will aid the Court in resolving the transfer motion.

Accordingly, Plaintiffs request that the Court grant their motion to file a three-page brief, declaration of Justin Nelson, and supporting exhibits (submitted concurrently herewith) in further response to Google’s Motion to Transfer.

DATED: June 20, 2014

Respectfully submitted,

By: /s/ Amanda K. Bonn

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 20th day of June, 2014 with a copy of this document via the Court's CM/ECF system per Local Rule CD-5(a)(3).

/s/ Amanda K. Bonn
Amanda K. Bonn

CERTIFICATE OF CONFERENCE

I hereby certify that the parties have met and conferred telephonically pursuant to Local Rule CV-7(h) on the 20th day of June, 2014, and counsel for Defendant are opposed as to the disposition of the matters raised in this motion. Participants in the conference included Amanda K. Bonn, counsel for Plaintiffs, and David A. Perlson on behalf of Defendant. No agreement could be reached, as counsel for Defendant declined to consent to this motion for leave unless Plaintiffs would consent to staying the case pending the Court's resolution of the underlying motion to transfer. As Plaintiffs do not agree to staying the case pending transfer—and do not believe that their submission of a supplemental brief should be conditioned on a stay pending transfer—discussions have conclusively ended in an impasse.

/s/ Amanda K. Bonn
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