

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

ALOFT MEDIA, LLC	§	
	§	CIVIL CASE NO. 6:08-CV-509 LED
VS.	§	
	§	
YAHOO! INC., ET AL	§	JURY TRIAL DEMANDED

**JOINT MOTION TO EXTEND TIME
TO SUBMIT MEDIATOR**

Plaintiff ALOFT MEDIA, LLC and Defendants YAHOO! INC. and GOOGLE INC. (hereinafter collectively referred to as “Defendants”) file this Joint Motion to Extend Time to Submit Mediator and for their Motion would respectfully show the Court the following:

Pursuant to the Court’s order dated May 11, 2009, the current deadline to submit the name, address and phone number of a mediator is May 26, 2009. The parties respectfully request an extension of time up to and including June 5, 2009.

WHEREFORE, PREMISES CONSIDERED, Plaintiff and Defendants respectfully request the Court to grant the extension as set forth above.

An order reflecting the relief requested is attached for the Court’s convenience.

Date: May 26, 2009

Respectfully submitted,

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<p><u>/s/ Brooks M. Beard</u> Michael A. Jacobs (mjacobs@mofo.com) Lead Attorney Brooks Beard (bbeard@mofo.com) MORRISON & FOERSTER LLP 425 Market Street San Francisco, California 94105 Tel: (415) 268-7000 Fax: (415) 268-7522</p> <p>Otis Carroll Texas Bar No. 03895700 Deborah Race Texas Bar No. 16448700 IRELAND, CARROLL & KELLEY, P.C. 6101 S. Broadway, Suite 500 Tyler, Texas 75703 Tel: (903) 561-1600 Fax: (903) 581-1071 Fedserv@icklaw.com</p> <p>ATTORNEYS FOR YAHOO! INC.</p>	<p><u>/s/ Scott T. Weingaertner</u> Scott T. Weingaertner sweingaertner@kslaw.com Robert F. Perry rperry@kslaw.com Christopher C. Carnaval ccarnaval@kslaw.com KING & SPALDING LLP 1185 Avenue of the Americas New York, NY 10036-4003 Tel: (212) 556-2100 Fax: (212) 556-2222</p> <p>ATTORNEYS FOR GOOGLE INC.</p>

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 26th day of May, 2009.

/s/ Otis Carroll _____