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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX.  
FT. WORTH DIVISION

2008 MAR 27 PM 3:18

CLERK OF COURT

AMERICAN AIRLINES, INC.,

Plaintiff,

-v.-

GOOGLE INC.,

Defendant.

No. 4:07-CV-487-A

**AGREED MOTION TO EXTEND DEADLINE TO DESIGNATE EXPERTS**

In accordance with Rules 26 and 29 of the Federal Rules of Civil Procedure and the Court's scheduling order, Plaintiff, American Airlines, Inc. ("American"), and Defendant, Google Inc. ("Google"), jointly file this agreed motion to (1) extend the initial deadline to designate experts and (2) set deadlines for designating rebuttal experts.

**I. BACKGROUND AND BASIS FOR REQUEST**

The October 26, 2007 scheduling order provides, in pertinent part, that: "Each party shall designate experts by filing a written designation including the name, address, and telephone number of each expert who may be called to testify and make the disclosures required by FED. R. CIV. P. 26 (a) (2) by serving the required written reports at least 120 days before the pretrial conference date." 10/26/07 Order, at p. 6, ¶ 15. The Court set the pre-trial conference for 10:00 a.m. on September 2, 2008. 10/26/07 Order at p. 2, ¶ 5. The parties' deadline, therefore, to designate experts and otherwise comply with Rule 26(a)(2) is May 5, 2008.

The parties remain actively engaged in the discovery process, including written discovery and depositions. Discovery in this case is a huge undertaking, with several hundred thousand pages of documents having already been exchanged. Before the parties' respective experts

prepare their reports and are designated, the parties would like for them to have the opportunity, to the extent possible, to fully digest and evaluate both these documents and the results of the additional discovery currently being undertaken. The parties also agree that rebuttal experts will be necessary in this case.

The parties, therefore, seek an extension of the original expert designation deadline and a subsequent deadline for the designation of rebuttal experts. The parties have agreed on the following schedule:

<u>DATE</u>	<u>DESIGNATION</u>
May 22, 2008	Each party shall designate any expert conducting a survey ("Survey Expert") by filing a written designation including the name, address, and telephone number of each expert who may be called to testify and make the disclosures required by FED. R. CIV. P. 26 (a) (2) by serving the required written reports.
June 9, 2008	Each party shall designate any rebuttal experts commenting on the reports of the Survey Experts by filing a written designation including the name, address, and telephone number of each expert who may be called to testify and make the disclosures required by FED. R. CIV. P. 26 (a) (2) by serving the required written reports.
June 9, 2008	Each party shall designate any experts (except Survey Experts) for any issue on which that party has the burden of persuasion, by filing a written designation including the name, address, and telephone number of each expert who may be called to testify and make the disclosures required by FED. R. CIV. P. 26 (a) (2) by serving the required written reports.
June 30, 2008	Each party shall designate any rebuttal experts to the experts designated on June 9, 2008, by filing a written designation including the name, address, and telephone number of each expert who may be called to testify and make the disclosures required by FED. R. CIV. P. 26 (a) (2) by serving the required written reports.

The parties have further agreed that any party making any expert designation will (1) produce in an organized fashion compatible with the expert report copies of all documents (including the verbatim responses from consumer used in the surveys) relied on by the expert no later than 24 hours after the date the expert report is due; and, (2) make each designated expert


available for oral deposition within one week of the date that the expert is designated, subject to the right of the party taking the deposition to schedule it for a later date.

These extensions will not affect any other Court deadlines, and will not delay the trial of this case.

## II. PRAYER

The parties jointly and respectfully request that the Court grant their motion and make an order extending the deadline to designate experts and set deadlines for rebuttal experts as described above.

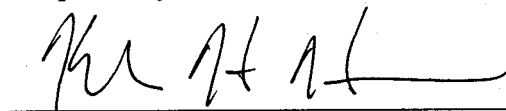
Respectfully submitted,

  
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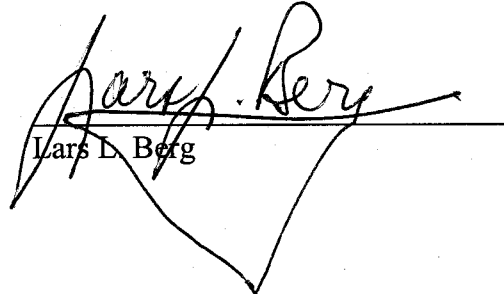
**ATTORNEYS FOR DEFENDANT  
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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered on March 27<sup>th</sup> 2008  
to Defendant's counsel, as follows:

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