

ORIGINAL

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

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

2009 JUL 24 PM 1:21

CLERK OF COURT

AMERICAN AIRLINES, INC.,

Plaintiff,

-v.-

YAHOO! INC. and OVERTURE SERVICES,
INC. d/b/a YAHOO! SEARCH
MARKETING,

Defendants.

Case No. 4:08-CV-626-A

**DEFENDANTS' UNOPPOSED MOTION TO EXTEND DUE DATE FOR
DEFENDANTS TO SUPPLEMENT THEIR DOCUMENT PRODUCTION AND
INTERROGATORY RESPONSES**

On July 16, 2009, counsel and representatives for Yahoo! and American Airlines met in Texas to attempt a resolution of certain discovery disputes. The parties reached an agreement pursuant to which plaintiff American Airlines agreed to narrow Document Requests 11, 32-36, 39, 41, 44-46, 59-61, and 63-64, and Interrogatory 8, and defendant Yahoo! agreed to provide additional documents and information in response to those discovery requests.

The Court's order of July 14, 2009, stated that if the parties reached an agreement regarding the discovery disputes, Yahoo! should supplement its production by July 24, 2009. Yahoo! has endeavored to collect and produce its additional documents as quickly as possible, but the scope of the collection and the number of custodians involved has made it difficult for Yahoo! to complete the production by the due date. Accordingly, Yahoo! respectfully requests a one-week extension (to the end of the day on July 31, 2009) to supplement their document production, admission responses, and interrogatory responses in response to Plaintiff's discovery requests and that the deadline for Plaintiff to reurge its motion to compel, in whole or in part, be

extended to August 13, 2009. Yahoo! has contacted American regarding the requested extension and American has indicated that it does not oppose this motion.

In the last week, Yahoo! has collected and produced approximately 1,500 additional Bates-labeled pages and more than 17,000 pages of spreadsheets pursuant to the agreement between the parties. As part of the agreement, Yahoo! consented to search for certain documents in the possession of additional Yahoo! custodians (beyond the group of more than 80 custodians from whom Yahoo! has already collected documents) who had been involved in servicing any of more than 100 travel industry companies, as identified by American in a list it compiled. Yahoo! has identified roughly 20 additional custodians who may possess responsive documents. Yahoo! is endeavoring to obtain any responsive documents from these custodians as quickly as it can, but the number of custodians and the restricted availability of certain individuals (*e.g.*, some custodians are on vacation) made it impossible to complete the collection in a week's time. Consequently, Yahoo! respectfully requests a one-week extension (to the end of the day on July 31, 2009) to supplement their document production, admission responses, and interrogatory responses in response to Plaintiff's discovery requests and that the deadline for Plaintiff to reurge its motion to compel, in whole or in part, be extended to August 13, 2009.

Dated: July 24, 2009

Respectfully submitted,



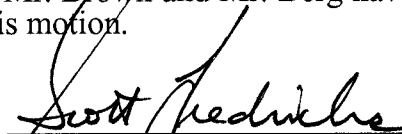
David F. Chappell
Texas State Bar No. 04141000
Scott A. Fredricks
Texas State Bar No. 24012657
CANTEY HANGER LLP
Cantey Hanger Plaza
600 West Sixth Street, Suite 300
Fort Worth, Texas 76102
Telephone: (817) 877-2800
Fax: (817) 877-2807

Michael A. Jacobs (*pro hac vice*)
Lynn M. Humphreys (*pro hac vice*)
Daniel P. Muino (*pro hac vice*)
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482
Telephone: (415) 268-7000
Fax: (415) 268-7522

Attorneys for Defendants
YAHOO! INC. and OVERTURE SERVICES,
INC. d/b/a YAHOO! SEARCH MARKETING

CERTIFICATE OF CONFERENCE

I certify that on July 22, 2009, Michael Jacobs (counsel for Defendants) conferred with Frederick Brown (counsel for American Airlines) on the foregoing motion. Also, on July 24, 2009, Scott Fredricks (counsel for Defendants) conferred with Lars Berg (counsel for American Airlines) on the foregoing motion. Mr. Brown and Mr. Berg have advised that their client does not oppose the relief sought in this motion.



Scott A. Fredricks

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on Defendants' counsel, as indicated below, on the 24th day of July 2009:

Dee J. Kelly
Dee J. Kelly, Jr.
Lars L. Berg
KELLY HART & HALLMAN, LLP
201 Main Street, Suite 2500
Fort Worth, TX 76102


Via Hand Delivery

Frederick Brown
George A. Nicoud III
Jason Stavers
GIBSON, DUNN & CRUTCHER LLP
One Montgomery Street, Suite 3100
San Francisco, CA 94104

Via Federal Express

Howard S. Hogan
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036

Via Federal Express



David F. Chappell