

ORIGINALIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISIONFILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX.
FT. WORTH DIVISION

2009 AUG -6 PM 2:07

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' REPLY IN SUPPORT OF ITS OPPOSED MOTION TO EXTEND
DEADLINE TO DESIGNATE EXPERTS & SET REBUTTAL EXPERT DEADLINE**

American Airlines opposes an extension of the deadline for designating experts in this case but offers no justification for opposing a schedule for rebuttal designations and reports other than arguing that Yahoo! waited too long to ask the Court for such a provision. American asserts that it is prepared to meet the August 7th expert deadline but does not claim that it would be harmed or prejudiced by a provision allowing for rebuttal experts other than saying in a footnote that it believes rebuttal experts to be unnecessary and sufficiently handled by cross examination at trial.¹ Accordingly, Yahoo! is willing to modify its request to leave the August 7, 2009 deadline for experts on which that party bears the burden of proof and simply modify the schedule to allow a September 4, 2009 deadline for the designation of rebuttal experts. Such a schedule would read as follows:

¹ Yahoo! would note that in American Airlines' case against the search engine Google, American did believe such rebuttal experts were necessary and asked the Court to provide for them. *American Airlines, Inc. v. Google, Inc.*, 4:07-CV-487-A, Document No. 28: AGREED MOTION TO EXTEND DEADLINE TO DESIGNATE EXPERTS.

August 7, 2009

Each party shall designate any expert for any issue on which that party has the burden of proof, 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 Federal Rule of Civil Procedure 26(a)(2) by serving the required written reports.

September 4, 2009

Each party shall designate any rebuttal experts to the experts designated on September 1, 2009, 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 Federal Rule of Civil Procedure 26(a)(2) by serving the required written reports.

PRAYER

Yahoo! respectfully requests that the Court grant its motion and make an order setting the deadline for experts as described above.

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 SERVICE

I certify that a true and correct copy of the foregoing was served on Defendants' counsel, as indicated below, on the 6th day of August 2009:

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

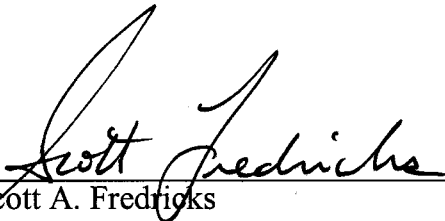
Via Hand Delivery and Via e-mail

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

Via Fax (415) 393-8306 and Via e-mail

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

Via Fax (202) 467-0539 and Via e-mail



Scott A. Fredricks