

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

HEARTBRAND BEEF, INC.	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 6:08-cv-00062
	§	
LOBEL'S OF NEW YORK, LLC,	§	
WORLDWIDE MEDIA, INC., THOUGHT	§	
CONVERGENCE, INC. and YAHOO! INC.	§	
Defendants.	§	

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO
DEFENDANT WORLDWIDE MEDIA, INC.'S MOTION TO DISMISS**

Plaintiff, Heartbrand Beef, Inc. hereby files this “Unopposed Motion for Extension of Time to Respond to Defendant Worldwide Media, Inc.’s Motion to Dismiss.” On October 10, 2008, Defendant Worldwide Media, Inc. filed “Worldwide Media, Inc’s Motion to Dismiss Amended Complaint for Lack of Personal Jurisdiction Pursuant to Fed.R.Civ.P. 12(b)(2); or, in the Alternative, Motion to Dismiss Amended Complaint for Improper Venue Pursuant to Fed.R.Civ.P. 12(b)(3); or, in the Alternative Motion to Transfer Venue Pursuant to 28 U.S.C. §1406(a)” and a Memorandum in support thereof.¹ Under the Local Rules for the United States District Court for the Southern District of Texas, Plaintiff’s deadline to respond to the Motion is tomorrow, October 30, 2008.

Plaintiff and Defendant Worldwide Media, Inc. are in negotiations to settle their differences with respect to this lawsuit. It is believed that settlement will be reached in the next seven days. Therefore, Plaintiff requests that the Court extend the deadline for Plaintiff to

¹ Docket Nos. 27 and 28.

respond to Worldwide Media, Inc.'s Motion to Dismiss for seven days, from October 30, 2008 to November 6, 2008.

CERTIFICATE OF CONFERENCE

On October 28, 2008, counsel for Plaintiff Heartbrand Beef, Inc. conferred with counsel for Worldwide Media, Inc., C. David Kinder, who indicated that he does not oppose this Motion.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Heartbrand Beef, Inc. prays that this Court extend the deadline for Plaintiff to respond to Worldwide Media, Inc.'s Motion to Dismiss (Docket No. 27) for seven days, from October 30, 2008 to November 6, 2008.

Respectfully submitted,

GUNN & LEE, P.C.
700 North St. Mary's St., Suite 1500
San Antonio, Texas 78205
(210) 886-9500 Telephone
(210) 886-9883 Facsimile

By: /s/ Ted D. Lee
Ted D. Lee
State Bar No. 12137700

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of October, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

C. David Kinder
Cox Smith Matthews Incorporated
112 E. Pecan Street, Suite 1800
San Antonio, TX 78205
Defendant Worldwide Media, Inc.

Gregg S. Baker
Corrigan & Baker LLC
1311 Mamaroneck Ave. Suite 215
White Plains, NY 10605
Defendant Lobel's of New York, LLC

George A. Yuhas
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105
Defendant Thought Convergence, Inc.

Annalyn G. Smith
Bracewell & Giuliani, LLP
106 S. St. Mary's Street, Suite 800
San Antonio, TX 78205
Defendant Yahoo! Inc.

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

David S. Fleming
Howard S. Michael
Brinks Hofer Gilson & Lione
455 N. City Front Plz. Dr.
Chicago, IL 60611
Defendant Yahoo! Inc.

By: /s/ Ted D. Lee
Ted D. Lee