

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

ROSETTA STONE LTD.,	)
	)
Plaintiff,	)
	)
vs.	)
	)
GOOGLE INC.,	)
	)
Defendant.	)

**Case No. 1:09-cv-00736 (GBL/TCB)**

**MEMORANDUM OF LAW IN SUPPORT OF THE UNOPPOSED  
MOTION OF ROSETTA STONE LTD. TO CONTINUE TO APRIL 23, 2010  
THE HEARING ON GOOGLE’S MOTION TO DISMISS COUNT VII OF  
THE FIRST AMENDED COMPLAINT**

Plaintiff Rosetta Stone Ltd., by counsel, hereby moves this Court for an order continuing to April 23, 2010, the hearing on Google Inc.’s Motion to Dismiss Count VII of the First Amended Complaint. Rosetta Stone has coordinated with Defendant Google Inc. on this Motion and Google has advised that it does not oppose the Motion. In support of this Motion, Rosetta Stone submits the following:

1. On March 5, 2010, Rosetta Stone filed its First Amended Complaint in the captioned matter in which it added a claim for unjust enrichment under Virginia common law.
2. On March 19, 2010, Google filed a motion to dismiss the unjust enrichment claim.
3. Google’s motion to dismiss is currently scheduled to be heard on April 9, 2010 at 10:00 a.m.
4. On March 26, 2010, Rosetta Stone filed a motion for partial summary judgment as to liability and Google filed a motion for summary judgment. In accordance with this Court’s

February 18, 2010 Order, the motions for summary judgment are scheduled to be heard on April 23, 2010 at 10:00 a.m.

5. Because the parties are scheduled to appear before the Court on April 23, 2010, and because the motion to dismiss raises issues that also are raised in the summary judgment motions, it is in the interest of judicial economy to have the motions heard on the same day.

WHEREFORE, Rosetta Stone respectfully requests that the hearing on Google's Motion to Dismiss Count VII of the First Amended Complaint be continued to April 23, 2010 at 10:00 a.m.

Respectfully submitted,

April 2, 2010

Date

/s/

Warren T. Allen II (Va. Bar No. 72691)  
Attorney for Rosetta Stone Ltd.  
Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Avenue, N.W.  
Washington, D.C. 20005-2111  
Telephone: (202) 371-7000  
Facsimile: (202) 393-5760  
Warren.Allen@skadden.com

**CERTIFICATE OF SERVICE**

I hereby certify that on April 2, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing (NEF) to the following:

Jonathan D. Frieden  
ODIN, FELDMAN & PETTLEMAN, P.C.  
9302 Lee Highway, Suite 1100  
Fairfax, VA 22031  
jonathan.frieden@ofplaw.com

*Counsel for Defendant, Google Inc.*

Respectfully submitted,

April 2, 2010

Date

/s/

Warren T. Allen II (Va. Bar No. 72691)  
Attorney for Rosetta Stone Ltd.  
Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Avenue, N.W.  
Washington, D.C. 20005-2111  
Telephone: (202) 371-7000  
Facsimile: (202) 393-5760  
Warren.Allen@skadden.com