

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

ROSETTA STONE LTD.

Plaintiff,

v.

GOOGLE INC.

Defendant.

CIVIL ACTION NO. 1:09cv736
(GBL / TRJ)

JOINT MOTION TO ALTER OR AMEND DEADLINES

COMES NOW Plaintiff Rosetta Stone Ltd. and Defendant Google Inc. (collectively, the “parties”), by counsel, pursuant to the Federal Rules of Civil Procedure, and file this Joint Motion to Alter or Amend Deadlines, setting forth the following:

1. On July 17, 2012, the Honorable Theresa Carol Buchanan entered a Scheduling Order (Dkt. No. 248) adopting the parties’ Joint Discovery Plan (Dkt. No. 247).
2. As part of the Joint Discovery Plan, the parties agreed that:
 - a. Updated pretrial disclosures, including Rule 26(a)(3) disclosures, exhibit lists, witness lists and a written stipulation of uncontested facts, were to be filed by October 19, 2012, and objections to updated pretrial disclosures were to be filed by October 26, 2012.
 - b. Motions for reconsideration/summary judgment were to be filed by October 12, 2012, oppositions were to be filed by October 26, 2012, replies were to be filed by November 2, 2012, and the motions were to be noticed for hearing on November 9, 2012 at 10:00 a.m.
 - c. Motions in limine were to be filed by October 26, 2012, oppositions were to be filed by November 2, 2012, replies, if any, were to be filed by November 6,

2012, and the motions were to be noticed for hearing on November 9, 2012 at 10:00 a.m.

3. The parties have agreed that in view of the current status of discovery, including ongoing depositions and expert reports that the parties have worked diligently together to schedule, the deadlines should be changed as follows:

- a. Updated pretrial disclosures, including Rule 26(a)(3) disclosures, exhibit lists, witness lists and a written stipulation of uncontested facts, shall be filed by November 2, 2012, and objections to updated pretrial disclosures shall be filed by November 16, 2012.
- b. Motions for reconsideration/summary judgment shall be filed by October 19, 2012, oppositions shall be filed by November 2, 2012, replies shall be filed by November 9, 2012, and the motions shall be noticed for hearing on November 16, 2012 at 10:00 a.m.
- c. Motions in limine shall be filed by November 2, 2012, oppositions shall be filed by November 9, 2012, replies, if any, shall be filed by November 14, 2012, and the motions shall be noticed for hearing on November 16, 2012 at 10:00 a.m.

4. No other dates are affected by this motion.

WHEREFORE, in consideration of the foregoing the parties respectfully request that the Court enter the Proposed Order attached hereto as Exhibit A and grant them such other and further relief as the Court deems just and appropriate.

The parties waive oral argument.

Respectfully Submitted,

ROSETTA STONE LTD
By counsel

/s/

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SEEN AND AGREED

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Counsel for Defendant Google Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of October, 2012, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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