

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 / TCB)

**CONSENT MOTION TO EXTEND TIME FOR FILING RESPONSIVE PLEADINGS
AND BRIEF IN SUPPORT THEREOF**

COME NOW the parties, by counsel, and, pursuant to the Federal Rules of Civil Procedure, files this Consent Motion to Enlarge Time for Filing Responsive Pleadings and Brief in Support Thereof, setting forth the following:

1. Plaintiff Rosetta Stone Ltd. filed suit against Defendant Google Inc. (“*Google*”) alleging direct, contributory, and vicarious trademark and service mark infringement, false representation, and trademark dilution under the Lanham Act; trademark infringement and unfair competition under Virginia law; and a violation of Virginia Code § 18.2-499.
2. The Complaint was served upon Google on July 14, 2009. Accordingly, Google’s responsive pleadings are presently due on or before August 3, 2009.
3. Google retained the undersigned as local counsel in this matter on July 23, 2009.
4. The parties believe a brief extension of the deadline by which Google must file its responsive pleadings will permit the parties to engage in meaningful discussions aimed at resolving all or part of the issues raised by the Complaint, including potentially refileing the case elsewhere pursuant to a contractual venue provision. The parties wish to extend the time for

Google to file its responsive pleadings, by eleven days, to August 14, 2009. Pursuant to the Rules of the United States District Court for the Eastern District of Virginia, Google shall schedule any motion it files on August 14, 2009 for hearing on August 28, 2009 and Rosetta Stone shall file any response to such motion no later than August 25, 2009.

5. The parties join in requesting the extension described herein, pursuant to Fed. R. Civ. P. 6(b)(1), in accordance with the proposed order which is attached hereto as Exhibit A.

WHEREFORE, in consideration of the foregoing, the parties respectfully move this Court to extend the time for Defendant Google Inc. to file its responsive pleadings to September 2, 2009 and grant them such other and further relief as the Court deems just and appropriate.

Respectfully Submitted,

ROSETTA STONE LTD
GOOGLE INC.
By counsel

/s/
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of July, 2009, 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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