

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

BID FOR POSITION, LLC,

Plaintiff,

v.

AOL, LLC,
GOOGLE, INC.,
MICROSOFT CORP.,
and
MIVA, INC.,

Defendants.

CASE NO. 2:07-cv-582 (JBF)

Jury Trial Demanded

MICROSOFT CORPORATION,

Counterclaim-Plaintiff,

v.

BID FOR POSITION, LLC,

Counterclaim-Defendant.

**MICROSOFT CORPORATION'S MOTION FOR LEAVE TO AMEND ITS
ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS AND
MEMORANDUM IN SUPPORT**

Microsoft Corporation, by counsel, moves the Court for leave to amend its answer, affirmative defenses and counterclaims. In support of this motion, Microsoft Corporation states:

1. Based on the discovery conducted to date, Microsoft has grounds to amend its answer, affirmative defenses and counterclaims to add allegations of inequitable conduct by plaintiff Bid for Position, Inc.
2. Microsoft's proposed Second Amended Answer, Affirmative Defenses and Counterclaim is attached as Exhibit 1.

3. Microsoft has provided a copy of the proposed pleading to Bid for Position's counsel. Bid for Position has informed Microsoft that it does not oppose this motion.

4. Granting Microsoft's motion will not delay the progress of this case and will not result in any change in the pretrial schedule adopted by the Court.

5. The Court should grant Microsoft's motion pursuant to Rule 15 of the Federal Rules of Civil Procedure and in the interests of justice. A proposed Consent Order granting the relief sought is being filed with this motion. An endorsed Order will be promptly submitted.

WHEREFORE, Microsoft requests that the Court grant Microsoft's motion for leave to amend.

Dated: June 5, 2008

Respectfully submitted,

/s/

William D. Dolan, III
Virginia State Bar No. 12455
Michael W. Robinson
Virginia State Bar No. 26522
VENABLE LLP
8010 Towers Crescent Drive, Suite 300
Vienna, VA 22182
Tel. 703-760-1684
Fax. 703-821-8949
wddolan@venable.com
mwrobinson@venable.com

Richard A. Cederth
SIDLEY AUSTIN LLP
1 South Dearborn Street
Chicago, Illinois 60603
Tel. 312-853-7000
Fax 312-853-7036
rcederth@sidley.com

Counsel for Microsoft Corporation

CERTIFICATE OF SERVICE

I, William D. Dolan, III, hereby certify that on the 5th day of June, 2008, I will electronically file the foregoing with the Clerk of the Court using the CM/EMF system, which will then send a notification of such filing (NEF) to the following:

Counsel for Plaintiff Bid for Position, LLC

Craig T. Merritt (cmerritt@cblaw.com)
R. Braxton Hill, IV (bhill@cblaw.com)
Nichole Buck Vanderslice (nvanderslice@cblaw.com)

CHRISTIAN & BARTON, LLP

909 East Main Street, Suite 1200
Richmond, Virginia 23219-3095
Tel: (804) 697-4100
Fax: (804) 697-4112

Gregory S. Dovel (greg@dovellaw.com)
Christin Cho (christen@dovellaw.com)

DOVEL & LUNER, LLP

201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Tel: (310) 656-7066
Fax: (310) 656-7069

David Rosen (drosen@mrellp.com)
MURPHY ROSEN & COHEN, L.L.P.

100 Wilshire Blvd., Suite 1300
Santa Monica, CA 90401
Tel: (310) 899-3300
Fax: (310) 399-7201

Counsel for Defendant Google, Inc.

David Andrew Perlson
Quinn Emanuel Urquhart Oliver & Hedges
50 California Street, 22nd Floor
San Francisco, CA 94111
Tel: (415) 875-6600
Fax: (415) 875-6700
davidperlson@quinnemanuel.com

Stephen Edward Noona
Kaufman & Canoles, PC
150 W. Main Street
P.O. Box 3037

Norfolk, VA 23510
Tel: (757) 624-3239
senoona@kaufcan.com

Counsel for AOL, LLC

Robert L. Burns
Finengan Henderson Farabow Garrett & Dunner, LLP
Two Freedom Square
Reston, VA 20190
Tel: (571) 203-2700
Fax: (202) 408-4400
robert.burns@finnegan.com

Stephen Edward Noona
Kaufman & Canoles, PC
150 W. Main Street
P.O. Box 3037
Norfolk, VA 23510
Tel: (757) 624-3239
senoona@kaufcan.com

Counsel for MIVA, Inc.

Paul Douglas Ackerman
Dorsey & Whitney LLP
250 Park Avenue
New York, NY 10117
Tel: (212) 415-9200
Fax: (212) 953-7201
Ackerman.paul@dorsey.com

Dana Johannes Finberg
LeClair Ryan PC
P.O. Box 2499
Richmond, VA 23218-2499
Tel: (804) 916-7109
Fax: (804) 916-7219
dana.finberg@leclairryan.com

/s/

William D. Dolan, III
Virginia State Bar No. 12455
Michael W. Robinson
Virginia State Bar No. 26522
VENABLE LLP
8010 Towers Crescent Drive, Suite 300
Vienna, VA 22182
tel. 703-760-1684
fax. 703-821-8949
wddolan@venable.com

Counsel for Microsoft Corporation

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