

1 THE HONORABLE RICARDO S. MARTINEZ
2 Noted for June 20, 2008

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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 MICROSOFT CORPORATION, a
Washington corporation.,

11 Plaintiff,

12 v.

13 IMMERSION CORPORATION, a
14 Delaware corporation.,

15 Defendant.

No. CV 07-936-RSM

**PLAINTIFF'S MOTION TO FILE
OVER-LENGTH BRIEF**

Note on Motion Calendar: June 20, 2008

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17 Pursuant to CR 7(f), Microsoft requests permission to file an over-length brief. On
18 Thursday, June 26, 2008, Microsoft intends to file a motion for partial summary judgment
19 on seven of Immersion's affirmative defenses. These affirmative defenses are: Champerty
20 and Maintenance, Frustration of Purpose, Illegality, Violation of Public Policy, Unclean
21 Hands, Unjust Enrichment, and Unconscionability (procedural and substantive). Microsoft
22 has brought a claim for Immersion's breach of a contract, the July 25, 2003 Sublicense
23 Agreement. In response, Immersion has pled these affirmative defenses in an attempt to
24 invalidate the Sublicense Agreement.
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PLAINTIFF'S MOTION TO FILE OVER-LENGTH BRIEF
(No. 07-936-RSM) - 1
4841-9253-0946.01
062008/1541/20363.00411

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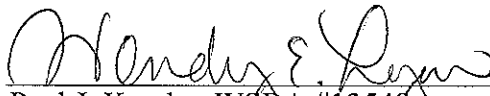
1 Microsoft requests additional pages to address these seven affirmative defenses for
2 several reasons. Each affirmative defenses is distinct and independent of the others. There
3 is a substantial body of case law relevant to each of these affirmative defenses. Each of
4 these seven affirmative defenses requires a separate application of the law and the facts of
5 this case.

6 Microsoft could file separate motions for summary judgment for each or some of
7 these affirmative defenses. However, Microsoft believes that all seven affirmative defense
8 can be more efficiently addressed in one brief because the relevant factual background is
9 common to many of them.

10 In order to adequately present the evidence and argument on each affirmative
11 defense, Microsoft requests that the Court permit its brief to exceed the 24 page limit by a
12 maximum of 16 pages, for a total of 40 pages.

13 DATED this 20th day of June, 2008.

14 RIDDELL WILLIAMS P.S.

15
16 By 
17 Paul J. Kundtz, WSBA #13548
18 Blake Marks-Dias, WSBA #28169
19 Wendy E. Lyon, WSBA #34461
20 Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I, Margaret R. Friedmann, declare as follows:

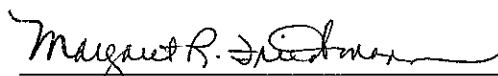
I am over 18 years of age and a citizen of the United States. I am employed as a legal secretary by the law firm of Riddell Williams P.S.

On the date noted below, I electronically filed the foregoing document titled **PLAINTIFF'S MOTION TO FILE OVER-LENGTH BRIEF** and attached **[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO FILE OVER-LENGTH BRIEF** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel for Immersion Corporation:

Bradley S. Keller Jofrey M. McWilliam Byrnes & Keller LLP 1000 Second Avenue, 38 th Floor Seattle, WA 98104-4082 Phone: (206) 622-2000 Fax: (206) 622-2522 Email: bkeller@byrneskeller.com jmcwilliam@byrneskeller.com	Richard M. Birnholz Morgan Chu Irell & Manella LLP 1800 Avenue of the Stars, Suite 900 Los Angeles, CA 90067-4276 Phone: (310) 277-1010 Fax: (301) 203-7199 Email: rbirnholz@irell.com mchu@irell.com
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed at Seattle, Washington this 20th day of June, 2008.



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