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CENTRAL DIST. OF CALIF.
SANTA ANA
BY:

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

PERFORMANCE PRICING, INC.,

Plaintiff,

vs.

GOOGLE INC. and AOL LLC,

Defendants.

CASE NO.:

CV09 -6283 GAF (CTx)

DISCOVERY MATTER

NOTICE OF PENDENCY OF OTHER ACTIONS OR PROCEEDINGS

Crtrm.:
Judge:
Hrg. Date:
Hrg. Time:

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to the Central District of California Local Civil Rules, Rule 83-1.4.1, Defendants Google Inc. and AOL LLC ("Defendants") hereby provide notice of the action currently pending in the Eastern District of Texas captioned *Performance Pricing, Inc. v. Google Inc. et al.*, Case No. Case No. 2:07-cv-432 (LED) ("the Texas Action").

In this action, Defendants seek to enforce document subpoenas directed to the prosecuting attorney of the patent-at-issue in the Texas Action, and his law firm. Defendants in this proceeding and the Texas Action are the same entities. Plaintiff in the Texas Action is Performance Pricing, Inc.

In the Texas Action, Plaintiff Performance Pricing, Inc. is represented by Greg S. Dovel, Rick A. Lyon, and Christin Cho of Dovel & Luner LLP, 201 Santa Monica Boulevard, Suite 600, Santa Monica, CA 90401, 310.656.7066; Calvin Capshaw, Elizabeth DeRieux, and Jeffrey Rambin of Capshaw DeRieux, LLP, 1127 Judson Road, Suite 220, Longview, TX 75606, 903.236.9800; and Robert M. Parker and Robert Christopher Bunt of Parker & Bunt, P.C., 100 East Ferguson, Ste. 1114 Tyler, TX 75702, 903.531.3535. In the Texas Action, Defendant AOL LLC is represented by Charles Verhoeven, David Perlson, Jennifer Kash, David Rudolph, Antonio Sistos, Emily O'Brien, Jamie Lisagor and Joshua Sohn of Quinn Emanuel Urquhart Oliver & Hedges, LLP, 50 California Street, 22nd Floor, San Francisco, CA, 94111, 415.875.6600; Robert Burns, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Two Freedom Square, 11955 Freedom Drive, Reston, VA 20190-5675, 571.203.2700; and David Beck and Michael Richardson, Beck Redden & Secrest, L.L.P, One Houston Center, 1221 McKinney Street, Suite 4500, Houston, Texas 77010-2010, 713.951.3700. In the Texas Action, Defendant Google LLC is represented by Charles Verhoeven, David Perlson, Jennifer Kash, Antonio Sistos, Emily O'Brien, Jamie Lisagor and Joshua Sohn of Quinn Emanuel Urquhart Oliver & Hedges, LLP, 50 California Street, 22nd Floor, San Francisco, CA, 94111,

415.875.6600; and David Beck and Michael Richardson, Beck Redden & Secrest, L.L.P, One Houston Center, 1221 McKinney Street, Suite 4500, Houston, Texas 77010-2010, 713.951.3700.

DATED: August 25, 2009

Respectfully submitted,

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

By David A. Perlson
David A. Perlson

Attorneys for Defendant Google Inc.