IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TV GUIDE ONLINE, INC. and TV GUIDE ONLINE, LLC, Plaintiffs and Counterclaim Defendants, v. TRIBUNE MEDIA SERVICES, INC., Defendant and Counterclaim Plaintiff.	)	Case No.: 05-725-***

TRIBUNE MEDIA SERVICES' MOTION FOR LEAVE TO FILE A REPLY TO TV GUIDE'S RESPONSIVE CLAIM CONSTRUCTION BRIEF

Defendant Tribune Media Services, Inc. moves for leave to file the attached Reply to TV Guide's Responsive Claim Construction Brief, limited to one issue: TV Guide's argument that the Court "should disregard" and "decline to consider" TMS's proposed construction for "transmit/transmitting" and the prosecution history TMS cites in support of its construction. TMS's reply does not reargue the claim construction merits for "transmit/transmitting," but rather only addresses TV Guide's exclusion argument, which was presented for the first time in TV Guide's response brief.

TMS notified TV Guide prior to filing opening claim construction briefs that TMS disputed TV Guide's proposed construction of "transmit/transmitting" and provided an alternative proposed construction. 9/21/07 Ltr. from M. Zinanni to C. Harnett (B46-48). TV Guide's Opening Claim Construction Brief did not include a request to exclude TMS's "transmit/transmitting" claim construction argument. Rather, TV Guide's Opening Claim Construction Brief incorrectly represented that TMS did not dispute TV Guide's proposed construction. D.I. 205, TV Guide *Markman* Br. at 20-21. TV Guide then raised its exclusion

request for the first time in its Responsive Claim Construction Brief. D.I. 228, TV Guide's Responsive Claim Construction Br. at 18-19.

Accordingly, TMS respectfully requests leave to file the attached Reply to TV Guide's Responsive Claim Construction Brief in order to respond to TV Guide's request that the Court exclude TMS's "transmit/transmitting" construction and ignore the prosecution history TMS cites in support of its construction.

Dated: December 21, 2007

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