IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TV GUIDE ONLINE, INC. AND TV GUIDE ONLINE, LLC, Plaintiffs, Counterclaim-Defendants, v. TRIBUNE MEDIA SERVICES, INC. Defendant, Counterclaim-Plaintiff.	)	C.A. No. 05-CV-725-***-LPS

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

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Dated: January 8, 2008

Plaintiff TV Guide respectfully submits this response to TMS's "Motion For Leave To File A Reply To TV Guide's Responsive Claim Construction Brief."

On December 19, 2007, Magistrate Judge Stark -- who has assumed responsibility for presiding over aspects of this case -- conducted a telephone status conference with the parties. The Court inquired about the status of pending motions and was advised about the parties' claim construction submissions and the parties' respective motions for summary judgment. As to the status of briefing, TV Guide's counsel explained that

> "The reply briefs for all the motions for summary judgment are due to be [filed] this Friday [*i.e.*, December 21] so the briefing will be complete on the summary judgment motion as of that date. The briefing is completed on the *Markman* issue."

Counsel for TMS did not in any way express disagreement that "briefing is completed on the *Markman* issue."

Nonetheless, just two days later, TMS filed its motion seeking leave to file another claim construction brief and filed with it a "reply" *Markman* brief. TMS did not consult with TV Guide before doing so.

The gist of TMS's "reply" brief is that it wants the Court to consider its arguments on the construction of the "transmit/transmitting" claim term. TV Guide has already explained in detail that: (1) TMS has repeatedly disregarded the Court's Scheduling Order with respect to claim construction proceedings (D.I. 205 and D.I. 228); and (2) several of TMS's proposed definitions for claim terms -- including the transmit/transmitting claim term -- are wholly divorced from the intrinsic record and reflect an attempt by TMS to manufacture a noninfringement defense where none exists (D.I. 205 and D.I. 228).

TV Guide has already explained in detail why TMS's proposed construction for "transmit/transmitting" is unsound as a matter of law (D.I 228 at 17-20). Therefore, despite

TMS's failure to comply with the Court's Scheduling Order, TV Guide does not oppose entry of TMS's December 21, 2007 "reply" brief.

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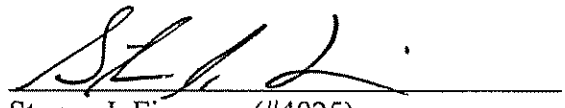
CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

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I hereby certify that on January 8, 2008, I have sent by electronic mail, the foregoing document to the following non-registered participant:

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