

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

HELPERICH PATENT LICENSING, LLC,
Plaintiff-Appellant,

v.

THE NEW YORK TIMES COMPANY,
Defendant-Appellee,

and

J.C. PENNEY CORPORATION, INC.,
Defendant,

and

G4 MEDIA, LLC, THE BON-TON STORES, INC., BRAVO MEDIA LLC,
and CBS CORPORATION,
Third Party Defendants.

2014-1196

Appeal from the United States District Court for the Northern District of Illinois
in No. 1:10-cv-04387, Judge John W. Darrah.

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE BRIEF

Alexander N. Harris
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105
(415) 393-8264

Brian M. Buroker
Principal Attorney
Blair A. Silver
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 955-8500

Counsel for Defendant-Appellee The New York Times Company
[Caption and additional counsel continued]

HELPERICH PATENT LICENSING, LLC,
Plaintiff-Appellant,

v.

G4 MEDIA, LLC,
Defendant-Appellee.

2014-1197

Appeal from the United States District Court for the Northern District of Illinois
in No. 1:10-cv-07395, Judge John W. Darrah.

HELPERICH PATENT LICENSING, LLC,
Plaintiff-Appellant,

v.

CBS CORPORATION,
Defendant-Appellee.

2014-1198

Appeal from the United States District Court for the Northern District of Illinois
in No. 1:10-cv-07607, Judge John W. Darrah.

HELPERICH PATENT LICENSING, LLC,
Plaintiff-Appellant,

v.

BRAVO MEDIA LLC,
Defendant-Appellee.

[Caption and additional counsel continued]

2014-1199

Appeal from the United States District Court for the Northern District of Illinois
in No. 1:10-cv-07647, Judge John W. Darrah.

HELPERICH PATENT LICENSING, LLC,
Plaintiff-Appellant,

v.

J.C. PENNEY CORPORATION, INC.,
Defendant-Appellee.

2014-1200

Appeal from the United States District Court for the Northern District of Illinois
in No. 1:10-cv-09143, Judge John W. Darrah.

Edward R. Reines
Principal Attorney
Byron C. Beebe
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
(650) 802-3000

*Counsel for Defendants-Appellees G4 Media, LLC, CBS Corporation,
and Bravo Media, LLC*

[Additional counsel continued]

Adam Conrad
KING & SPALDING LLP
100 N. Tryon Street
Charlotte, NC 28202
(704) 503-2600

Benjamin M. Stern
HOLLAND & KNIGHT, LLP
10 St. James Avenue
Boston, MA 02116
(617) 523-2700

Daryl Joseffer
Principal Attorney
KING & SPALDING LLP
1700 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
(202) 737-0500

R. David Donoghue
Anthony J. Fuga
HOLLAND & KNIGHT, LLP
131 South Dearborn Street
Chicago, IL 60603
(312) 263-3600

Counsel for Defendant-Appellee J.C. Penney Corporation, Inc.

REQUESTED RELIEF

Defendants-Appellees The New York Times Company, G4 Media, LLC, CBS Corporation, Bravo Media, LLC, and J.C. Penney Corporation, Inc., (“Appellees”) respectfully move under Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b) for a 32-day extension of time within which to file their principal brief, from May 22, 2014, to June 23, 2014. (A 30-day request would put the brief’s due date on a Saturday.) This is Appellees’ first request for an extension of the deadline for filing their principal brief.

GROUND FOR UNOPPOSED MOTION

Appellees request a 32-day extension of time within which to file their principal brief because the brief will require multiple levels of analysis and review by counsel at multiple firms. Moreover, several attorneys involved in the drafting of the brief are heavily involved in other district court litigations and appellate matters at present.

STATEMENT OF CONSENT

Counsel for Appellant Helferich Patent Licensing, LLC, have indicated that they have no objection to the relief sought by this motion and will not file a response in opposition.

CONCLUSION

For good cause shown, Appellees respectfully request a 32-day extension of time, up to and including June 23, 2014, within which to file its brief in this appeal.

Dated: April 14, 2014

Alexander N. Harris
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105
(415) 393-8264

Respectfully submitted,

/s/ Brian M. Buroker

Brian M. Buroker*

Principal Attorney

Blair A. Silver
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
T: (202) 955-8500
F: (202) 530-4200
bburoker@gibsondunn.com

*Counsel has consent of all Appellees
to file the foregoing document

Counsel for Defendant-Appellee The New York Times Company

Edward R. Reines
Principal Attorney
Byron C. Beebe
WEIL, GOTSHAL & MANGES LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
(650) 802-3000

*Counsel for Defendants-Appellees G4 Media, LLC, CBS Corporation,
and Bravo Media, LLC*

Adam Conrad
KING & SPALDING LLP
100 N. Tryon Street
Charlotte, NC 28202
(704) 503-2600

Benjamin M. Stern
HOLLAND & KNIGHT, LLP
10 St. James Avenue
Boston, MA 02116
(617) 523-2700

Daryl Joseffer
Principal Attorney
KING & SPALDING LLP
1700 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
(202) 737-0500

R. David Donoghue
Anthony J. Fuga
HOLLAND & KNIGHT, LLP
131 South Dearborn Street
Chicago, IL 60603
(312) 263-3600

Counsel for Defendant-Appellee J.C. Penney Corporation, Inc.

CERTIFICATES OF INTEREST

Counsel for Defendant-Appellee The New York Times Company

certifies the following:

1. The full name of every party or amicus represented by me is:

The New York Times Company

2. The name of the real party in interest (if the party in the caption is not the real party in interest) represented by me is:

N/A

3. All parent corporations and any publicly held companies that own ten percent or more of the stock of the party represented by me are:

N/A

4. The names of all law firms and the partners or associates that appeared for the party now represented by me in the trial court or agency or are expected to appear in this Court are:

Gibson, Dunn & Crutcher LLP

Brian M. Buroker
Alexander N. Harris
Blair A. Silver
Matthew F. Chandler
David R. Chiang

Hunton & Williams LLP

Daniel George Vivarelli, Jr.
David A. Kelly

Marshall, Gerstein & Borun LLP

Michael R. Weiner
Julianne M. Hartzell

Counsel for Defendant-Appellee G4 Media LLC certifies the following:

1. The full name of every party or amicus represented by me is:

G4 Media LLC

2. The name of the real party in interest (if the party in the caption is not the real party in interest) represented by me is:

None

3. All parent corporations and any publicly held companies that own ten percent or more of the stock of the party represented by me are:

G4 Media is a division of NBC Universal, LLC, which is wholly owned by Comcast Corporation. No other publicly held company owns more than 10% of the stock of G4 Media.

4. The names of all law firms and the partners or associates that appeared for the party now represented by me in the trial court or agency or are expected to appear in this Court are:

Leydig, Voit & Mayer, Ltd.

David M. Airan
John Knox Winn

Weil, Gotshal & Manges LLP

Edward R. Reines

Covington & Burling LLP

Matthew Brandon Phelps
Michael M. Markman
Robert J. Williams

Counsel for Defendant-Appellee CBS Corporation certifies the following:

1. The full name of every party or amicus represented by me is:

CBS Corporation

2. The name of the real party in interest (if the party in the caption is not the real party in interest) represented by me is:

None

3. All parent corporations and any publicly held companies that own ten percent or more of the stock of the party represented by me are:

CBS Corporation is a publicly traded company. National Amusements, Inc., a privately held company, beneficially owns the majority of the Class A voting stock of CBS Corporation. Otherwise, with respect to ownership of the Class A voting stock of CBS Corporation in the amount of 10% or more, CBS Corporation is only aware of the following information based upon filings made pursuant to Section 13(d) or Section 13(g) of the Securities and Exchange Act of 1934: according to a Schedule D dated February 25, 2011 and filed with the SEC on March 15, 2011, GAMCO Investors, Inc., along with certain entities and persons affiliated therewith, hold approximately 10.1% of CBS Corporation's Class A voting stock.

4. The names of all law firms and the partners or associates that appeared for the party now represented by me in the trial court or agency or are expected to appear in this Court are:

Leydig, Voit & Mayer, Ltd.

David M. Airan
John Knox Winn

Weil, Gotshal & Manges LLP

Edward R. Reines

Covington & Burling LLP

Matthew Brandon Phelps
Michael M. Markman
Robert J. Williams

Counsel for Defendant-Appellee Bravo Media LLC certifies the following:

1. The full name of every party or amicus represented by me is:

Bravo Media LLC

2. The name of the real party in interest (if the party in the caption is not the real party in interest) represented by me is:

None

3. All parent corporations and any publicly held companies that own ten percent or more of the stock of the party represented by me are:

Bravo Media is a division of NBC Universal, LLC, which is wholly owned by Comcast Corporation. No other publicly held company owns more than 10% of the stock of Bravo Media.

4. The names of all law firms and the partners or associates that appeared for the party now represented by me in the trial court or agency or are expected to appear in this Court are:

Leydig, Voit & Mayer, Ltd.

David M. Airan
John Knox Winn

Weil, Gotshal & Manges LLP

Edward R. Reines

Covington & Burling LLP

Matthew Brandon Phelps
Michael M. Markman
Robert J. Williams

Counsel for Defendant-Appellee J.C. Penney Corporation, Inc. certifies the following:

1. The full name of every party or amicus represented by me is:

J.C. Penney Corporation, Inc.

2. The name of the real party in interest (if the party in the caption is not the real party in interest) represented by me is:

N/A

3. All parent corporations and any publicly held companies that own ten percent or more of the stock of the party represented by me are:

J.C. Penney Corporation, Inc. is wholly owned by J.C. Penney Company, Inc. which is a Delaware Corporation whose stock is publicly traded on the New York Stock Exchange.

4. The names of all law firms and the partners or associates that appeared for the party now represented by me in the trial court or agency or are expected to appear in this Court are:

King & Spalding
Daryl Joseffer
Adam Conrad

J.C. Penney
Diane K. Lettelleir

Holland & Knight LLP
R. David Donoghue
Anthony James Fuga
Benjamin M. Stern

/s/ Brian M. Buroker

Brian M. Buroker*

Principal Attorney

Blair A. Silver

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Avenue, N.W.

Washington, D.C. 20036

T: (202) 955-8500

F: (202) 530-4200

bburoker@gibsondunn.com

*Counsel has consent of all
Appellees to file the foregoing
document

**DECLARATION OF BRIAN M. BUROKER
IN SUPPORT OF UNOPPOSED MOTION FOR
32-DAY EXTENSION OF TIME TO FILE BRIEF**

I, Brian M. Buroker, pursuant to 28 U.S.C. § 1746, declare and state as follows:

1. I am a partner at Gibson, Dunn & Crutcher LLP, 1050 Connecticut Avenue, N.W., Washington, D.C., 20036, and am the principal attorney representing Defendant-Appellee The New York Times Company in this appeal. I am an attorney in good standing with the bar of the District of Columbia and am admitted to practice before this Court.

2. I submit this Declaration in support of Appellees Unopposed Motion for a 32-day Extension of Time to File Brief.

3. The brief will require multiple levels of analysis and review by counsel at multiple firms. Moreover, several attorneys involved in the drafting of the brief are heavily involved in other district court litigations and appellate matters at present.

4. I am counsel in a trial running from March 31, 2014, approximately through the end of April – *Apple Inc. v. Samsung Electronics Co., Ltd.* (N.D. Cal. No. 5:12-cv-00630-LHK).

5. This is Appellees' first request for an extension of the deadline for filing their brief.

6. I declare under penalty of perjury that the foregoing is true and correct. Executed on this 14th day of April, 2014 in Washington, D.C., United States.

/s/ Brian M. Buroker

Brian M. Buroker

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Avenue, N.W.

Washington, D.C. 20036

T: (202) 955-8500

F: (202) 530-4200

bburoker@gibsondunn.com

CERTIFICATE OF SERVICE

I, Brian M. Buroker, hereby certify that that I caused the foregoing Unopposed Motion for Extension of Time to File Brief to be filed via the Court's CM/ECF system and served on counsel of record who have registered for such service on April 14, 2014.

/s/ Brian M. Buroker

Brian M. Buroker

*Counsel for Defendant-Appellee
The New York Times Company*