

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

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| In re:<br><br>SEARCHMETRICS, INC., <sup>1</sup><br><br>Debtor.   | Chapter 11<br><br>Case No. 17-11032 (CSS) |
| Searchmetrics, Inc. and Searchmetrics GmbH,<br><br>Plaintiffs,<br><br>v.<br><br>BrightEdge Technologies, Inc.,<br><br>Defendant. | Adv. No. 17-50478 (CSS)                   |

**PLAINTIFFS' MOTION FOR LEAVE TO EXCEED PAGE LIMIT  
REQUIREMENTS WITH RESPECT TO THEIR MEMORANDUM IN  
SUPPORT OF THEIR MOTION FOR JUDGMENT ON THE PLEADINGS**

Searchmetrics, Inc., the debtor and debtor-in-possession (the “**Debtor**”) in the above-captioned chapter 11 case (the “**Chapter 11 Case**”) and Searchmetrics GmbH (“**GmbH**” and together with the Debtor, the “**Plaintiffs**” or “**Searchmetrics**”) hereby move this Court (the “**Motion**”) for entry of an order, substantially in the form of **Exhibit A** (the “**Proposed Order**”), permitting the Plaintiffs to file their memorandum of law (the “**Memorandum of Law**”) in support of their *Alice* Motion (defined below) in excess of the applicable page limitations. In support of the Motion, the Plaintiffs respectfully represent as follows:

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<sup>1</sup> The Debtor in this chapter 11 case, along with the last four digits of the Debtor’s federal tax identification number, is: Searchmetrics, Inc. (1635). The mailing address for the Debtor, solely for purposes of notices and communications, is c/o EisnerAmper LLP, 750 Third Avenue, New York, New York 10017, *Attn:* Wayne P. Weitz.

### **BACKGROUND**

3. On May 8, 2017 (the “**Petition Date**”), the Debtor filed with this Court a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the “**Bankruptcy Code**”).

4. Also on the Petition Date, Searchmetrics filed a Complaint and Claim Objection (the “**Complaint**”) against defendant BrightEdge Technologies, Inc. (“**BrightEdge**”) in this Adversary Proceeding seeking, among other things, to estimate all of BrightEdge’s claims in this case.

5. Contemporaneous with the filing of this Motion, Plaintiffs have filed their *Motion for Judgment on the Pleadings that U.S. Patent Nos. 8,135,706; 8,478,700; 8,478,746; 8,577,863; and 8,671,089 do not Claim Patentable Subject Matter* (the “**Alice Motion**”).

### **RELIEF REQUESTED AND BASIS THEREFOR**

6. Rule 7007-2(a)(iv) of the *Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware* (the “**Local Rules**”), made applicable by the General Chambers Procedures for the United States Bankruptcy Court for the District of Delaware dated Jun 30, 2011 (the “**General Chambers Procedures**”), provides that all opening and answering briefs, including briefs in main cases and adversary proceedings, shall not exceed forty (40) pages in length. *See* General Chambers Procedures at 2(a)(vi). Notwithstanding the foregoing, the proceeding page limitations may be exceeded with leave of Court. Del. Bankr. L.R. 7007-2(a)(iv).

7. Plaintiffs respectfully submit that allowing the Memorandum of Law to exceed the applicable page limitations prescribed by Local Rule 7007-2(a)(iv) and the General Chambers Procedures is reasonable and appropriate under the circumstances. As filed, the Memorandum of

Law is 52 pages. Through the Memorandum of Law, the Plaintiffs are raising complex, technical questions for the Court to consider in accordance with the Supreme Court's decision in *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S. Ct. 2347, 2355 (2014). In light of the complexity of the issues set forth in the *Alice* Motion, Plaintiffs submit that the relief requested herein is appropriate, and that the arguments and analysis detailed in the Memorandum of Law will aid the Court in its consideration of the *Alice* Motion.

### **CONCLUSION**

*WHEREFORE*, Plaintiffs respectfully request that the Court enter an order, in substantially the form of the Proposed Order, granting the Plaintiffs leave and permission to file the Memorandum of Law in excess of applicable page limitations, and granting such further relief as is just and appropriate.

Dated: May 24, 2017  
Wilmington, Delaware

**CHIPMAN BROWN CICERO & COLE, LLP**

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*Proposed Counsel for Debtor/Plaintiff, Searchmetrics, Inc.*

—and—

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Rajiv Dharnidharka (*pro hac admission pending*)

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*Proposed Special Litigation Counsel to Debtor/Plaintiff  
Serchmetrics, Inc. and Counsel for Plaintiff, Searchmetrics  
GmbH*

—and—

**DLA PIPER LLP (US)**

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*Counsel for Plaintiff, Searchmetrics GmbH*

# **EXHIBIT A**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

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| In re:<br><br>SEARCHMETRICS, INC., <sup>1</sup><br><br>Debtor.   | Chapter 11<br><br>Case No. 17-11032 (CSS)                              |
| Searchmetrics, Inc. and Searchmetrics GmbH,<br><br>Plaintiffs,<br><br>v.<br><br>BrightEdge Technologies, Inc.,<br><br>Defendant. | Adv. No. 17-50478 (CSS)<br><br><b>Related Adv. Docket No(s).</b> _____ |

**ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO EXCEED PAGE  
LIMIT REQUIREMENTS WITH RESPECT TO THEIR MEMORANDUM IN  
SUPPORT OF THEIR MOTION FOR JUDGMENT ON THE PLEADINGS**

Upon consideration of the motion (the “**Motion**”)<sup>2</sup> of Searchmetrics, Inc., the debtor and debtor-in-possession (the “**Debtor**”) in the above-captioned chapter 11 case and Searchmetrics GmbH (“**GmbH**” and together with the Debtor, the “**Plaintiffs**” or “**Searchmetrics**”) for entry of an order pursuant to Rule 7007-2(a)(iv) of the *Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware* (the “**Local Rules**”), granting leave and permission to file the Memorandum of Law in support of the *Motion for Judgment on the Pleadings that U.S. Patent Nos. 8,135,706; 8,478,700; 8,478,746; 8,577,863; and 8,671,089 do not Claim Patentable Subject Matter* (the “**Alice Motion**”) in excess of applicable page limitations provided for in the General Chambers Procedures; and it appearing that the Court has

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<sup>1</sup> The Debtor in this chapter 11 case, along with the last four digits of the Debtor’s federal tax identification number, is: Searchmetrics, Inc. (1635). The mailing address for the Debtor, solely for purposes of notices and communications, is c/o EisnerAmper LLP, 750 Third Avenue, New York, New York 10017, *Attn:* Wayne P. Weitz.

<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

jurisdiction to consider the Motion; and due and adequate notice of the Motion having been given; and it appearing that no other notice need be given; and after due deliberation and sufficient cause appearing therefore,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is **GRANTED**, as set forth herein.
2. Searchmetrics is authorized to file the Memorandum of Law in support of the *Alice* Motion in excess of the page limitations prescribed by Local Rule 7007-2(a)(iv) and the General Chambers Procedures.
3. The Court shall retain jurisdiction over any and all matters arising from or related to the interpretation of this Order.

Dated: \_\_\_\_\_, 2017  
Wilmington, Delaware

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Honorable Christopher S. Sontchi  
United States Bankruptcy Court

**File a Motion:**

17-50478-CSS Searchmetrics Inc. et al v. BrightEdge Technologies, Inc.

Type: ap

Office: 1 (Delaware)

Judge: CSS

Lead Case: 1-17-bk-11032

**U.S. Bankruptcy Court****District of Delaware**

## Notice of Electronic Filing

The following transaction was received from William E. Chipman entered on 5/24/2017 at 11:32 AM EDT and filed on 5/24/2017

**Case Name:** Searchmetrics Inc. et al v. BrightEdge Technologies, Inc.

**Case Number:** 17-50478-CSS

**Document Number:** 10

**Docket Text:**

Motion for Leave to *Exceed Page Limit Requirements with Respect to Memorandum in Support of Motion for Judgment on the Pleadings* (related document(s)[8]) Filed by Searchmetrics GmbH, Searchmetrics Inc. (related document(s)[8]). (Attachments: # (1) Exhibit A - Proposed Form of Order) (Chipman, William)

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**SM - Motion to Exceed Page Limit [TO FILE].pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=983460418 [Date=5/24/2017] [FileNumber=14514335-0]  
] [51996be7c705182309b817115f123b33add8342b9449af3acb7a4eed44eb4b0c472  
1fbc6f4dc202e43515b33d35614036edecc0f55660878dfe4122061c510d3]]

**Document description:**Exhibit A - Proposed Form of Order

**Original filename:**C:\fakepath\SM - Ex A to Motion to Exceed Page Limit [TO FILE].pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=983460418 [Date=5/24/2017] [FileNumber=14514335-1]  
] [9c00f0e6578eeb7196ceb842f9f0dd49ec27cb8ec0f7b04e4e0a250b3cdea3b6961  
e471042a6609cca476bf764fb5f4f82f7c38048cecc12e13b5588b0c083e8]]

**17-50478-CSS Notice will be electronically mailed to:**

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stuart.brown@dlapiper.com, stuart-brown-7332@ecf.pacerpro.com

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Maris J. Kandestin on behalf of Plaintiff Searchmetrics GmbH  
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**17-50478-CSS Notice will not be electronically mailed to:**

BrightEdge Technologies, Inc.  
c/o Baker Botts L.L.P.  
1001 Page Mill Road