

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**GATEHOUSE MEDIA MASSACHUSETTS I,
INC., DOING BUSINESS AS GATEHOUSE MEDIA NEW
ENGLAND,**

Plaintiff,

Case No. 08-12114-WGY

v.

**THE NEW YORK TIMES CO., DOING BUSINESS
AS BOSTON.COM,**

Defendant.

ASSENTED TO MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

Pursuant to Fed. R. Civ. P. 15, plaintiff GateHouse Media Massachusetts I, Inc., doing business as GateHouse Media New England (“GateHouse”) respectfully moves for leave to file its First Amended Complaint. Attached hereto as Exhibit A is a copy of GateHouse’s [Proposed] First Amended Complaint. Defendant’s counsel has indicated its assent to this Motion.

GateHouse’s First Amended Complaint seeks to:

- (1) add as Defendants Globe Newspaper Company, Inc. and Boston Globe Electronic Publishing, Inc., the addition of which to this action was conditionally authorized by Order of this Court dated January 21, 2009, on Defendant The New York Times Co.’s Motion to Join them as Counterclaim-Plaintiffs, and from which entities The New York Times Co. has noticed a corporate distinction;
- (2) amend allegations pertaining to GateHouse’s copyright and trademark registrations to reflect that since the time of filing of the original Complaint, the United States Copyright Office has issued a certificate of registration based on an application referenced in and made part of the Complaint;

- (3) amend allegations pertaining to additional copyright applications and trademarks related to Defendant's continued and expanding activity since the time of preparation of the original Complaint in,
- (i) its launch of a second YourTown hyper-local site for Needham (www.boston.com/yourtown/needham) and a third YourTown hyper-local site for Waltham (www.boston.com/yourtown/waltham),
 - (ii) its taking of additional articles published by GateHouse in its paper and online publications for Newton and now for Needham and Waltham, such GateHouse publications now inclusive of the *Newton TAB* and its *Newton TAB* Blog, the *Needham Times* and its *Needham Times* Blog, *Wicked Local Newton* (www.wickedlocal.com/newton), *Wicked Local Needham* (www.wickedlocal.com/needham), *Wicked Local Waltham* (www.wickedlocal.com/waltham) and the *Daily News Tribune*, www.dailynewstribune.com, and
 - (iii) its displaying variations of the above trademarks and trade names owned by GateHouse on Defendant's infringing Boston.com "YourTown" websites (now including www.boston.com/yourtown/newton; www.boston.com/yourtown/needham; and www.boston.com/yourtown/waltham); and
- (4) remove paragraphs 43 and 44 of the original Complaint given discovery and representations by Defendant as to the method of copying Plaintiff's original content.

The amendments that GateHouse seeks in no way jeopardize the trial schedule. In fact, they are in the manner of amendment to conform to the evidence and subsequent developments since the time of commencement, including with regard to copyright registrations, and with regard to facts underlying the same claims that have been the subject of ongoing discovery.

WHEREFORE, for all of the foregoing reasons, plaintiff GateHouse Media Massachusetts I, Inc., doing business as GateHouse Media New England, respectfully requests that the Court grant its Motion for Leave to File its First Amended Complaint.

LOCAL RULE 7.1 CERTIFICATE

Counsel for the parties conferred regarding the subject of this Motion. Counsel for Defendant has advised that Defendant assents to this Motion.

Respectfully submitted,

GATEHOUSE MEDIA
MASSACHUSETTS I, INC.
By its attorneys,

/s/ Carolyn A. Marcotte
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-and-

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Dated: January 22, 2009

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Assented To Motion for Leave to File First Amended Complaint filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non registered participants on January 22, 2009.

/s/ Carolyn A. Marcotte
Carolyn A. Marcotte