

\*\*E-Filed 9/26/08\*\*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

In re MERCURY INTERACTIVE CORP.  
SECURITIES LITIGATION

Master File No. 5:05-CV-3395-JF (PVT)

CLASS ACTION

This Document Relates To:

ALL ACTIONS

~~[PROPOSED]~~ ORDER AWARDING  
ATTORNEYS' FEES AND REIMBURSING  
EXPENSES

This matter came before the Court for hearing pursuant to the Order Preliminarily Approving Settlement and Providing for Notice ("Order") dated July 2, 2008, on the application of the parties for approval of the settlement set forth in the Stipulation of Settlement dated as of October 31, 2007 (the "Stipulation"), Lead Plaintiff having moved for an order awarding counsel fees to Lead Counsel for the work of Lead Counsel and the other class counsel in prosecuting this action and in obtaining the settlement which has been submitted to the Court for final approval and for the reimbursement of disbursements expended in the prosecution of the litigation, and the Court having reviewed the papers submitted in support of the motion and being familiar with the work performed by Lead Counsel and other class counsel during the course of the Action, and the Notice sent to members of the Class having set forth the maximum fees and disbursements for which Lead Counsel would be applying, and Lead Counsel having advised Class members of the procedure and deadline for objecting to the Settlement, the Plan of

ORDER AWARDING ATTORNEYS' FEES AND REIMBURSING EXPENSES  
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1 Allocation and the proposed fee application and request for reimbursement of disbursements and  
2 the deadline for filing such objections, now, therefore, it is

3 1. ORDERED that Lead Counsel is awarded 25 % of the Settlement Fund  
4 created through their efforts as and for legal fees in the matter together with a proportionate share  
5 of the interest earned on the Settlement Fund from inception to the date of payment at the same  
6 rate as was earned by the Settlement Fund, to be distributed by Lead Counsel to those counsel  
7 who participated in the prosecution of the action in such manner as Lead Counsel, in their  
8 discretion, believe reflects the contribution by such counsel, and it is further;

9 2. ORDERED that Lead Counsel is awarded the amount of \$416,538.46 out of the  
10 Settlement Fund in reimbursement for the disbursements incurred by counsel in the prosecution  
11 of the Action, together with a proportionate share of the interest earned on the Settlement Fund  
12 from the date of inception to the date of payment at the same rate as was earned by the  
13 Settlement Fund.

14  
15 IT IS SO ORDERED.

16  
17 Dated: 9/25/08

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19   
THE HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE