

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

FUNCTION MEDIA, LLC	§	
	§	
Plaintiff,	§	Civil Action No. 2007-CV-279
	§	
vs.	§	
	§	
GOOGLE INC. AND YAHOO!, INC.	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED

**PLAINTIFF'S FIRST AMENDED RULE 26 DISCLOSURES**

Plaintiff Function Media, LLC (“Function Media”) serves the following First Amended Rule 26 Disclosures:

**(A) Correct Names of Parties**

The case caption contains the correct names of the parties to this lawsuit.

**(B) Potential Parties**

At this time, Function Media is unaware of any potential parties that need to be added to this lawsuit.

**(C) Legal Theories and Factual Bases of Claims or Defenses**

Function Media sues under the Patent Act for infringement of several Function Media patents, as more particularly set forth in its Infringement Contentions, previously served in this case under this Court’s Local Patent Rule 3-1.

**(D) Persons with Knowledge**

Name	Contact Information	Topics
Michael Dean	Michael Dean c/o Susman Godfrey, L.L.P. 1000 Louisiana, Suite 5100 Houston, TX 77002 (713) 651-9366	Named co-inventor on all patents-in-suit. Has knowledge of topics relevant to the patents-in-suit, including conception and

Name	Contact Information	Topics
		reduction to practice, best mode, enablement, inventorship, prior art, prosecution, alleged inequitable conduct, and offers (if any) to license the patents-in-suit. Also has knowledge of corporate matters relating to Function Media.
Lucinda Stone	Lucinda Stone c/o Susman Godfrey, L.L.P. 1000 Louisiana, Suite 5100 Houston, TX 77002 (713) 651-9366	Named co-inventor on all patents-in-suit. Has knowledge of topics relevant to the patents-in-suit, including conception and reduction to practice, best mode, enablement, inventorship, prior art, prosecution, alleged inequitable conduct, and offers (if any) to license the patents-in-suit. Also has knowledge of corporate matters relating to Function Media.
Shoaib Mohammed Hasan	Shoaib Mohammed Hasan  c/o Susman Godfrey, L.L.P. 1000 Louisiana, Suite 5100 Houston, TX 77002 (713) 651-9366	Programmer. Has knowledge of topics relevant to the patents-in-suit, including the Virtual Cities software and information related to diligence and reduction to practice.
Robert A. Cote, Esq.	Robert A. Cote, Esq. McKool Smith 399 Park Avenue, Suite 3200 New York NY 10022 (212) 402-9402	Attorney. Has knowledge, much of which is privileged, of topics relevant to the patents-in-suit, including prosecution of the '025 and '059 patents, prior art, and alleged inequitable conduct.
Henry Croskell, Esq.	Henry Croskell, Esq.  c/o Susman Godfrey, L.L.P. 1000 Louisiana, Suite 5100 Houston, TX 77002 (713) 651-9366	Patent prosecution attorney. Has knowledge, much of which is privileged, of topics relevant to the patents-in-suit, including prosecution of the patents-in-suit and alleged inequitable conduct.
Michael A. Morrissey, Esq.	Michael A. Morrissey, Esq. NovaTech Law PLLC	Attorney. Has knowledge, much of which is privileged,

Name	Contact Information	Topics
	11921 Freedom Dr., Suite 550 Reston, VA 20190 (703) 736-8322	of topics relevant to the '045 patent, including efforts to license the '045 patent and communications with Yahoo! regarding same.
James Brock, Esq.	James Brock, Esq. CEO, Attributor 1775 Woodside Road, Suite 100 Redwood City, CA 94061	Former law partner of Michael Morrissey. Former SVP, Communications & Consumer Services at Yahoo. Has knowledge of topics relevant to the '045 patent, including efforts to license the '045 patent and communications regarding same.
Thomas E. Schatzel, Esq.	Thomas E. Schatzel, Esq. 16400 Lark Avenue, Suite 240 Los Gatos, CA 95032 (408) 298-7733	Attorney. Has knowledge, much of which is privileged, of topics related to the '045 patent, including information related to diligence and reduction to practice.
Kenneth S. Roberts, Esq.	Kenneth S. Roberts, Esq. Orrick 4 Park Plaza, Suite 1600 Irvine, CA 92614-2558 (949) 567-6700	Attorney. Has knowledge, much of which is privileged, of topics relevant to the patents-in-suit, including prosecution of the '025 and '059 patents, prior art, and alleged inequitable conduct.
Arnold Behrman	Arnold Behrman Nat'l Sales Manager 301 Pleasant Valley Road Morganville, NJ 07751 (732) 946-3304	Inventor. Has knowledge of the Mason patent, including communications with Kenneth Roberts regarding same.
Acacia Research Corp.	Erik Ahroon Business Development Manager Acacia Research Corp. 500 Newport Center Dr., 7th Fl. Newport Beach, CA 92660 (949) 480-8340	Patent acquirer. Has knowledge of attempts to acquire the '025 patent.
Intellectual Ventures	Intellectual Ventures PMB 502 227 Bellevue Way Bellevue, WA 98004-5721 (425) 467-2300	Patent acquirer. Has knowledge of attempts to acquire the patents-in-suit.
Jered Burke	Jered Burke c/o Susman Godfrey, L.L.P.	Computer programmer. Has knowledge of Dean and

Name	Contact Information	Topics
	1000 Louisiana, Suite 5100 Houston, TX 77002 (713) 651-9366	Stone's efforts to investigate infringement of their inventions.
Randy Fought	Randy Fought c/o Small Biz Big Web Madison, TN (615) 419-2919 randy@smallbizbigweb.com	Business owner; founder and former owner of BOnline.com. May have knowledge of efforts by Lucinda Stone in January 2000 to market the inventions disclosed in the '045 specification.

**(E) Indemnity and Insurance Agreements**

Function Media has no relevant indemnity or insurance agreements.

**(F) Settlement Agreements**

Function Media is unaware of any relevant settlement agreements.

**(G) Statement of Any Party to the Litigation**

At present, Function Media is unaware of any discoverable statements of any party to this litigation.

DATED: January 9, 2009

Respectfully submitted,

*Max L. Tribble, Jr.* <sup>w/permission</sup> vb

Max L. Tribble, Jr.  
State Bar No. 20213950  
Email: mtribble@susmangodfrey.com  
SUSMAN GODFREY LLP  
1000 Louisiana, Suite 5100  
Houston, Texas, 77002  
Telephone: (713) 651-9366  
Facsimile: (713) 654-6666

*Lead Attorney for Plaintiffs*

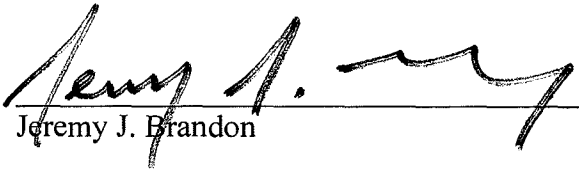
OF COUNSEL:

Joseph S. Grinstein  
State Bar No. 24002188  
Email: jgrinstein@susmangodfrey.com  
SUSMAN GODFREY L.L.P.

1000 Louisiana Street, Suite 5100  
Houston, Texas 77002-5096  
Telephone: (713) 651-9366  
Fax: (713) 654-6666

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 9, 2009, I e-mailed the foregoing document to counsel of record for Google and Yahoo.

  
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Jeremy J. Brandon