

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

FUNCTION MEDIA, L.L.C.	§	
	§	
Plaintiffs,	§	Civil Action No. 2007-CV-279
	§	
vs.	§	
	§	
GOOGLE, INC. AND YAHOO, INC.	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED

UNOPPOSED MOTION TO EXPEDITE SECOND MOTION TO COMPEL

Function Media and Google jointly have agreed to a briefing schedule so that this Court can hear the Second Motion to Compel at the same time as the *Markman* hearing. This expedited schedule is necessary because Google originally agreed to resolve this issue without Motions practice, but then changed its mind and is refusing to produce the requested information. Function Media has filed this Motion and the underlying Second Motion to Compel 1 day after Google informed Function Media of its change in position.

Function Media and Google have agreed to the following briefing schedule, limited to a five-page maximum:

Opening Brief:	August 19, 2009
Responsive Brief:	August 21, 2009
Hearing:	August 25, 2009

The parties will not file any reply or surreply briefing. Function Media expects that five minutes per side will be sufficient for this Court to hear the issue.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

Counsel for plaintiffs have conferred with counsel for defendants as described in the Motion. Defendants do not oppose.

/s/ Justin A. Nelson
Justin A. Nelson

CERTIFICATE OF SERVICE

I hereby certify that the foregoing documents have been served on all counsel of record via ECF/PACER this 19th day of August, 2009.

/s/ Justin A. Nelson
Justin A. Nelson