

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

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

**PLAINTIFF’S COUNTER DESIGNATIONS AND
OBJECTIONS TO DEPOSITION TESTIMONY**

Function Media, L.L.C.. (“Plaintiff”) hereby makes the following disclosure of its deposition designations in accordance with the Court’s Docket Control Order. Plaintiff expressly reserves the right to supplement, amend, or otherwise modify these designations based on circumstances as they may evolve prior to the commencement of trial.

OBJECTIONS TO DEPOSITION EXCERPTS FROM DEPOSITION TESTIMONY OF HENRY CROSKELL Date of Deposition: May 28, 2009		
From (page:line)	To (page:line)	Objections
160:12	163:21	FRE 402, 403 MIL 36

COUNTER DEPOSITION EXCERPTS FROM DEPOSITION TESTIMONY OF ROY FIELDING Date of Deposition: August 27, 2009				
From			To	
Page	Line		Page	Line
51	21		51	22
51	24		52	7

OBJECTIONS TO DEPOSITION EXCERPTS FROM DEPOSITION TESTIMONY OF CHRIS KEMPTON Date of Deposition: September 2, 2009		
From (page:line)	To (page:line)	Objections
4:19	4:20	Not a Question

COUNTER DEPOSITION EXCERPTS FROM DEPOSITION TESTIMONY OF CHRIS KEMPTON Date of Deposition: September 2, 2009				
From			To	
Page	Line		Page	Line
12	17		13	12
15	2		16	2
25	21		26	2
30	2		30	10
35	2		36	1
36	8		36	18
36	22		37	11
57	23		59	23

COUNTER DEPOSITION EXCERPTS FROM DEPOSITION TESTIMONY OF SANDI LEE MATHERS Date of Deposition: July 31, 2009				
From			To	
Page	Line		Page	Line
12	23		12	23
26	11		26	13
69	7		69	12

COUNTER DEPOSITION EXCERPTS FROM DEPOSITION TESTIMONY OF GOKUL RAJARAM Date of Deposition: June 17, 2009				
From			To	
Page	Line		Page	Line
40	22		41	1
82	6		82	13
139	11		140	4
144	1		144	6
144	8		145	3

145	5		145	10
145	12		145	24
164	24		165	9
165	11		165	15

OBJECTIONS TO DEPOSITION EXCERPTS FROM DEPOSITION TESTIMONY OF KENNETH ROBERTS		
Date of Deposition: June 2, 2009		
From (page:line)	To (page:line)	Objections
35:17	36:16	FRE 402, 403; MIL 36
45:24	47:21	FRE 402, 403; MIL 36
80:6	85:8	FRE 402, 403; MIL 36

OBJECTIONS TO DEPOSITION EXCERPTS FROM DEPOSITION TESTIMONY OF ELI ROUSSO		
Date of Deposition: July 22, 2009		
From (page:line)	To (page:line)	Objections
130:3	130:15	Foundation; Speculation
130:17	131:3	Foundation; Speculation
131:15	131:18	Foundation; Speculation
131:20	132:7	Foundation; Speculation
132:9	132:17	Foundation; Speculation
193:22	193:23	Speculation
194:2	195:14	Speculation

COUNTER DEPOSITION EXCERPTS FROM DEPOSITION TESTIMONY OF ELI ROUSSO				
Date of Deposition: July 22, 2009				
From			To	
Page	Line		Page	Line
51	1		51	4
51	11		51	14
51	16		51	21
54	8		54	12
54	14		54	14
75	24		75	25
84	1		84	8
178	24		179	2
179	7		179	16
180	25		181	3

189	2		189	3
189	5		189	6

COUNTER DEPOSITION EXCERPTS FROM DEPOSITION TESTIMONY OF SHOAIB HASAN Date of Deposition: September 21, 2009				
From			To	
Page	Line		Page	Line
18	2		19	12
49	6		49	12
75	20		75	25

OBJECTIONS TO DEPOSITION EXCERPTS FROM DEPOSITION TESTIMONY OF RUSS SELIGMAN Date of Deposition: August 12, 2009		
From (page:line)	To (page:line)	Objections
95:4	95:11	Speculation
143:20	143:24	Leading
144:19	145:1	Leading
157:13	157:20	Leading
158:1	158:22	Leading
159:4	159:11	Leading

COUNTER DEPOSITION EXCERPTS FROM DEPOSITION TESTIMONY OF SELIGMAN Date of Deposition: August 12, 2009				
From			To	
Page	Line		Page	Line
13	6		13	14
13	22		13	25
14	12		14	24
15	1		15	7
15	13		15	17
16	23		17	15
19	6		19	12
19	20		20	13
21	9		21	15
21	17		22	11
26	4		26	5
26	19		27	7
27	14		27	15

27	17		27	24
28	1		28	6
28	12		28	15
28	17		28	18
30	16		30	18
30	20		31	2
36	12		36	18
36	24		37	25
38	4		38	15
40	22		40	24
41	1		41	19
43	3		43	10
43	18		43	22
43	24		44	4
44	16		44	23
46	22		47	1
51	18		51	23
51	25		52	2
60	21		61	17
65	16		65	16
65	18		66	3
67	8		67	12
67	15		67	19
67	22		67	23
67	25		68	3
68	14		68	15
68	18		68	20
68	22		68	25
76	25		77	16
77	18		77	22
80	10		80	14
81	15		81	21
81	23		81	24
82	2		82	13
82	15		83	2
83	4		83	17
83	19		83	24
84	1		84	2
84	21		85	6
85	25		86	5
86	8		87	2
87	4		87	7
88	21		88	23
89	21		89	25
90	25		92	2
92	22		92	25
93	3		93	5

93	7		93	10
96	2		96	6
101	20		102	13
102	16		102	25
104	8		104	10
104	12		104	21
113	22		113	25
114	2		114	6
117	5		117	17
119	2		119	3
119	6		119	14
129	1		130	15
163	5		163	13
163	15		164	1
164	3		164	12
164	15		164	19
164	22		164	23
164	25		165	22
165	25		166	2

Respectfully submitted,

/s/ Max L. Tribble, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2009, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

/s/ Max L. Tribble, Jr. _____
Max L. Tribble, Jr.