

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

FUNCTION MEDIA, L.L.C.

Plaintiff,

vs.

GOOGLE INC. AND YAHOO!, INC.

Defendants.

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Civil Action No. 2007-CV-279

JURY TRIAL DEMANDED

**[PROPOSED] ORDER DENYING IN PART
GOOGLE'S MOTION IN LIMINE NO. 1**

Before the Court is Google's Motion in Limine No. 1. After considering said Motion, and the opposition and replies thereto, the Court finds that the Motion should be and hereby is **DENIED IN PART**. Google's motion is **DENIED** to the extent it seeks (1) to circumvent Function Media's Motions in Limine No. 17 and 47 (Dkt. No. 188) to preclude Google from using documents, testimony, witnesses, and other evidence that Google did not timely disclose or produce during discovery; or (2) an order preventing Function Media from arguing that Google has not come forward with a document or other evidence to prove a particular point. Google's motion is **OTHERWISE GRANTED**.