

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

FUNCTION MEDIA, L.L.C.,

v.

GOOGLE, INC. AND YAHOO!, INC.

Civil Case No. 2:07-CV-279 (CE)

JURY TRIAL DEMANDED

**[PROPOSED] ORDER GRANTING DEFENDANT GOOGLE'S MOTION *IN LIMINE***  
**NO. NINE: MOTION TO PRECLUDE ARGUMENT THAT IT HINDERED FUNCTION**  
**MEDIA FROM TESTING THE ACCUSED PRODUCT**

Before the Court is Defendant Google's Motion *in Limine* No. Nine: Motion to Preclude Argument That It Hindered Function Media from Testing the Accused Product. After considering the Motion, the relief requested therein, and the relevant facts, evidence and arguments of the parties, the Court finds that for good cause appearing the motion should be and hereby is **GRANTED**. Additionally, to obviate any necessity for argument that the parties' agreement to limit testing hindered either party from testing the accused product, the Court further orders that neither party shall offer criticism of the other party's testing of the accused products. **IT IS SO ORDERED.**