

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

FUNCTION MEDIA, L.L.C.

vs.

GOOGLE, INC. and  
YAHOO!, INC.

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CASE NO. 2:07-CV-279-CE

**ORDER**

Before the court is the defendant Google, Inc.'s ("Google") motion for summary judgment on willfulness (Dkt. No. 189). In its response brief (Dkt. No. 241), the plaintiff Function Media, L.L.C. ("FM") agrees not to pursue any willful infringement claims on the two remaining patents in suit: U.S. Patent Nos. 7,240,025 and 7,249,059. Because willfulness is no longer at issue in this case, Google's motion for summary judgment is DENIED as moot.

SIGNED this 11th day of December, 2009.

  
CHARLES EVERINGHAM IV  
UNITED STATES MAGISTRATE JUDGE