

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

FUNCTION MEDIA, L.L.C.

§

Plaintiff,

§

Civil Action No. 2:07-CV-279

§

vs.

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§

GOOGLE INC. AND YAHOO, INC.

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§

Defendants.

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**ORDER GRANTING GOOGLE’S MOTION TO EXCLUDE CERTAIN OPINIONS OF
FUNCTION MEDIA’S DAMAGES EXPERT WALTER BRATIC**

Defendant Google Inc. has moved to preclude Function Media, L.L.C.'s damages expert, Walter Bratic, from offering testimony on the following topics: (1) Google’s acquisitions of entire companies, which are not comparable to a hypothetical license to the patents-in-suit; (2) any valuation of the stock consideration in a past transaction using the present-day price of Google’s stock; (3) a marketing agreement with no relation to a license to comparable patents, (4) any estimation of Google’s purported profits on the accused products that includes Google’s costs; and (5) the purported portion of the profits attributable to the patented elements without any identification or analysis of the non-patented elements, business risks, and other value added by Google.

After considering the briefing and positions of the parties, the Court hereby GRANTS such motion and ORDERS that Walter Bratic is precluded from offering such testimony.