

**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

CERTIFICATE OF CONFERENCE

Counsel for plaintiff conferred with counsel for Google on Plaintiff's Motion to Preclude Admission of Untimely Evidence via e-mail on 12/22/09 and Google is opposed to the motion.

/s/ Joseph S. Grinstein
Joseph S. Grinstein