

**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-CE
	§	
vs.	§	
	§	
GOOGLE, INC. AND YAHOO, INC.,	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED

**JOINT MOTION FOR ENTRY OF ORDER
REGARDING ADFORCE SOFTWARE FILES**

On December 19, 2009, Google informed Function Media that it had located a CD containing software files related to AdForce, one of the prior art references Google is asserting in this Action.

On December 23, 2009, Function Media filed a motion to preclude Google from introducing this CD at trial.

The parties have discussed their dispute, and have agreed that neither side will use this CD or the files it contains in any way at trial. Accordingly, the parties jointly request that the Court enter the attached order, which embodies this agreement.

Dated: January 4, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2010, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, using the electronic filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Amy H. Candido
Amy H. Candido

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vs.	§	
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GOOGLE, INC. AND YAHOO, INC.,	§	
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Defendants.	§	JURY TRIAL DEMANDED

**ORDER ON JOINT MOTION FOR ENTRY OF ORDER
REGARDING ADFORCE SOFTWARE FILES**

WHEREAS, on December 19, 2009, Google informed Function Media that it had recently located a CD containing software files, which Google contends relate to AdForce, a prior art reference Google asserts in this Action; and

WHEREAS, a dispute exists as to whether this CD or the files it contains should be used at trial; and

WHEREAS, the parties have resolved their dispute and have agreed that neither party will use this CD or the files it contains in any way at trial, and jointly move the Court for an Order excluding the use of these materials at trial.

After considering the Motion, the relief requested therein, and the fact that it has been submitted jointly by the parties, the Court finds that for good cause appearing the motion should be and hereby is GRANTED. Neither party shall introduce or mention at trial the CD identified by Google on December 19, 2009, or any of the files it contains.