

**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. 2:07-CV-279-CE

JURY TRIAL DEMANDED

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

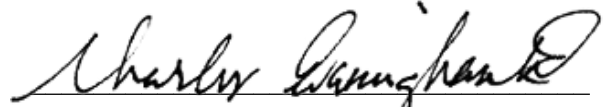
WHEREAS, on December 19, 2009, Google informed Function Media that it had recently located a CD containing software files, which Google contends relate to AdForce, a prior art reference Google asserts in this Action; and

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.

SIGNED this 5th day of January, 2010.

A handwritten signature in black ink, appearing to read "Charles Everingham IV". The signature is written in a cursive style with a horizontal line underneath it.

CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE