

**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.	§	
	§	
GOOGLE INC. AND YAHOO, INC.	§	
	§	<b>JURY TRIAL DEMANDED</b>
Defendants.	§	

**GOOGLE’S RESPONSE TO FUNCTION MEDIA’S  
MOTION TO CONSOLIDATE ARGUMENT ON  
GOOGLE’S AND FUNCTION MEDIA’S MOTIONS TO EXCLUDE EXPERT OPINIONS**

Function Media has asked the Court to hear arguments at the same time for the parties’ pending motions to exclude expert testimony. At the January 5th pre-trial hearing, the Court already heard argument on Google’s Motion to Exclude Certain Opinions of Function Media’s Damages Expert Walter Bratic. (Dkt. No. 329.) Accordingly, the two motions can no longer be argued on the same day, and the Court should deny Function Media’s motion as moot.

Dated: January 7, 2010

Respectfully submitted,  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP

By: /s/ Amy H. Candido

Charles K. Verhoeven (admitted *pro hac*)  
*Lead Attorney*  
charlesverhoeven@quinnemanuel.com  
Amy H. Candido (admitted *pro hac*)  
amycandido@quinnemanuel.com  
Carl G. Anderson (admitted *pro hac*)  
carlanderson@quinnemanuel.com  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP  
50 California Street, 22nd Floor  
San Francisco, California 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

Edward J. DeFranco (admitted *pro hac*)  
eddefranco@quinnemanuel.com  
James M. Glass (admitted *pro hac*)  
jimglass@quinnemanuel.com  
Patrick Curran (admitted *pro hac*)  
patrickcurran@quinnemanuel.com  
QUINN EMANUEL URQUHART  
OLIVER & HEDGES, LLP  
51 Madison Avenue, 22nd Floor  
New York, New York 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

Harry L. Gillam, Jr., Bar No. 07921800  
gil@gillamsmithlaw.com  
Melissa R. Smith, Bar No. 24001351  
melissa@gillamsmithlaw.com  
GILLAM & SMITH, L.L.P.  
303 South Washington Avenue  
Marshall, TX 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257

Counsel for Defendant and Counter-Claimant  
GOOGLE INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on January 7, 2010 to counsel of record in the manner agreed by the parties, via electronic mail.

*/s/ Amy H. Candido*

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Amy H. Candido