

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FUNCTION MEDIA, L.L.C.

§

vs.

§

CASE NO. 2:07-CV-279-CE

§

GOOGLE, INC. and
YAHOO!, INC.

§

§

§

ORDER

Pending before the court are the plaintiff Function Media, L.L.C.'s ("FM") motions *in limine* No. 46 (AdForce, Aaddzz, AdKnowledge, NetGravity, DoubleClick, AdStar, and AdManagerPro References as Prior Art) and No. 48 (Documents or Witnesses Not Timely Produced or Disclosed in Discovery) (Dkt. No. 188). The court DENIES these two motions *in limine*.

Also pending is the plaintiff's motion *in limine* No. 47 (Evidence, Testimony, and Argument that the Inventors Drafted Patent Claims Based on Google's AdSense Product). That motion is GRANTED. Counsel shall approach the bench before referring to matters directly or indirectly covered by the motion *in limine*.

The defendant Google, Inc.'s motion *in limine* No. 1 (Evidence and Argument Relating to the Parties' Conduct During Discovery) (Dkt. No. 206) is GRANTED. Questions and argument, such as that identified in FM's response—"Where is the document that shows X", are permissible notwithstanding this order.

SIGNED this 15th day of January, 2010.


 CHARLES EVERINGHAM IV
 UNITED STATES MAGISTRATE JUDGE