

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

FUNCTION MEDIA, L.L.C.

Plaintiff,

v.

GOOGLE INC. and YAHOO!, INC.,

Defendant.

Civil Action No. 2:07-CV-279-CE

JURY DEMANDED

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO SUPPLEMENT
P.R. 3-3 AND 3-4 DISCLOSURES**

Come now Defendants Google Inc. (“Google”) and Yahoo!, Inc. (“Yahoo”) (collectively, “Defendants”) and, pursuant to P.R. 3-6(b), file their Unopposed Motion for Leave to Supplement P.R. 3-3 and 3-4 Disclosures, and in support of same would show the Court as follows:

I. BRIEF BACKGROUND

1. On May 30, 2008, Google and Yahoo timely served their P.R. 3-3 Invalidation Contentions and accompanying P.R. 3-4 document production.
2. In their P.R. 3-3 Invalidation Contentions served on May 30, 2008, Defendants noted the following:

“To the extent that Defendants obtain additional information, Defendants reserve the right to supplement these invalidity contentions. Furthermore, pursuant to an agreement with counsel for Function Media, Defendants were granted a two week extension to supplement their P.R. disclosures pertaining to a large volume of materials (approximately 60 boxes) that were located in storage in New York with a law firm that formerly represented DoubleClick (which was recently acquired by Google Inc.) in another litigation. A portion of those materials were forward[ed] to counsel for Google on May 22, promptly after they were located. The production set of materials for that litigation will be made available for inspection during the litigation, and a further production of

those materials expressly relied upon in Defendants' P.R. disclosures will be made in accordance with the earlier production agreement between the parties." (Emphasis added).

3. As noted above, Defendants intend to supplement their May 30, 2008 Invalidity Contentions (and accompanying supplemental document production) with respect to the large volume of materials obtained from the law firm that previously represented DoubleClick, and Defendants therefore seek leave of Court to supplement their Invalidity Contentions (with accompanying supplemental P.R. 3-4 document production) on June 13, 2008, as previously agreed to with Plaintiff Function Media.

4. This motion for leave is unopposed.

II. RELIEF REQUESTED

Defendants respectfully seek leave of Court to supplement their P.R. 3-3 Invalidity Contentions (with accompanying supplemental P.R. 3-4 document production) on June 13, 2008, as previously agreed to with Plaintiff Function Media.

Dated: June 12, 2008

Respectfully submitted,

By: /s/ Thomas B. Walsh, IV

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CERTIFICATE OF CONFERENCE

Counsel for Google hereby certifies that counsel for Google (Jason Wolff) conferred with counsel for Plaintiff (Jeremy Brandon) regarding the relief requested in this motion and that counsel for Plaintiff is unopposed to the relief requested.

/s/ Thomas B. Walsh, IV
Thomas B. Walsh, IV

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 12th day of June, 2008, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Thomas B. Walsh, IV
Thomas B. Walsh, IV