

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

FUNCTION MEDIA LLC	§	
	§	
Plaintiff,	§	Civil Action No. 2-007-CV-279
	§	
vs.	§	
	§	
GOOGLE INC. AND YAHOO!, INC.	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED

ORDER GRANTING AGREED MOTION FOR PARTIAL DISMISSAL

Upon consideration of the Agreed Motion for Partial Dismissal filed by Plaintiff Function Media LLC and Defendant Google Inc., the Court hereby orders that said motion is GRANTED.

NOW THEREFORE:

Plaintiff’s cause of action against Defendant Google Inc. for infringement of U.S. Patent No. 6,829,587 is DISMISSED WITH PREJUDICE;

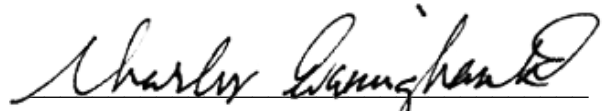
Defendant Google Inc.’s counterclaims alleging invalidity and/or unenforceability of U.S. Patent No. 6,829,587, together with any affirmative defenses pertaining to U.S. Patent No. 6,829,587, are DISMISSED WITHOUT PREJUDICE;

IT IS FURTHER ORDERED that Plaintiff and Defendant Google Inc. shall each bear their own costs and attorneys’ fees incurred in the prosecution and/or defense of Plaintiff’s cause of action for infringement of U.S. Patent No. 6,829,587 and Google Inc.’s counterclaims and defenses regarding U.S. Patent No. 6,829,587; and

IT IS FURTHER ORDERED that none of the foregoing shall affect any rights, causes of actions, counterclaims, defenses, or allegations pertaining to the other three

patents-in-suit in the above-captioned litigation (U.S. Patents No. 6,446,045; U.S. Patent No. 7,240,025; and U.S. Patent No. 7,249,059).

SIGNED this 2nd day of February, 2009.



CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE