

Exhibit 9

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

FUNCTION MEDIA LLC,

Plaintiff,

vs.

GOOGLE INC. AND YAHOO!, INC.,

Defendants.

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

JURY TRIAL DEMANDED

**DEFENDANT YAHOO!, INC.'S OBJECTIONS AND RESPONSES TO PLAINTIFFS'
NOTICE OF F.R.C.P. 30(b)(6) DEPOSITION OF YAHOO!, INC. PURSUANT TO
RULE 30(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Defendant Yahoo!, Inc. ("Yahoo!") objects to Plaintiff Function Media's Notice of Deposition of Yahoo!, Inc. Pursuant to Fed. R. Civ. P. 30(b)(6) ("Notice"), as follows.

GENERAL OBJECTIONS

A. Yahoo! objects to the Notice and its attached deposition topics to the extent they seek to depose Yahoo! concerning information protected by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege or immunity. Yahoo! reserves its rights to object and to instruct any witness at deposition not to answer regarding specific questions which would elicit such privileged information.

B. Yahoo! objects to the Notice and its attached Deposition Topics to the extent they purport to impose obligations beyond those required by the Federal Rules of Civil Procedure or the Local Rules.

C. Yahoo! objects to the Notice and its attached Deposition Topics to the extent they call for testimony that relates to the confidential, proprietary, and/or trade secret information of a third party that is in Yahoo!'s possession subject to an obligation to a third

party. Yahoo! will provide such testimony only to the extent it can do so consistent with its obligations to any third parties.

D. Yahoo! objects to the date and time for which Function Media noticed this deposition. Yahoo! will produce a witness or witnesses for deposition at a mutually agreeable date and time.

E. Yahoo! objects to the Notice and its attached Deposition Topics to the extent they are premature in light of the fact that the Court has not held a claim construction hearing or issued a claim construction order.

E. Yahoo! objects to the Notice and its attached Deposition Topics to the extent they seek deposition testimony that is cumulative and/or duplicative of other forms of discovery that are more convenient and less burdensome.

F. Yahoo! objects to the Notice and its attached Deposition Topics to the extent they seek deposition testimony that requires Yahoo! to make legal conclusions and/or render expert opinions.

G. Yahoo! objects to the definition of “Yahoo!” in Exhibit B of the Notice on the grounds that it is overbroad and unduly burdensome. The definition purports to include persons and entities not within Yahoo!’s control, and/or to encompass attorneys and/or their agents that have provided legal advice to Yahoo!.

H. Yahoo! objects to the definition of “sellers” in Exhibit B of the Notice on the grounds that it is vague and ambiguous. Yahoo! further objects to the definition of “sellers” to the extent that it purports to define a term that is subject to the Court’s claim construction order, which has not yet been issued in this case.

I. Yahoo! objects to the definition of “media venues” in Exhibit B of the Notice on the grounds that it is vague and ambiguous. Yahoo! further objects to the definition of “media venues” to the extent that it purports to define a term that is subject to the Court’s claim construction order, which has not yet been issued in this case.

J. Yahoo! objects to the definitions of “publishing” and “publication” in Exhibit B of the Notice on the grounds that they are vague and ambiguous. Yahoo! further objects to the definitions of “publishing” and “publications” to the extent that they purport to define terms that are subject to the Court’s claim construction order, which as not yet been issued in this case.

K. Yahoo! objects to the definition of “Accused Products” on the grounds that it is vague and ambiguous. Yahoo! further objects to the definition of “Accused Products” because it is overbroad and unduly burdensome to the extent that it includes within the definition products, systems, technologies, functionalities, or services not specifically disclosed in Function Media’s First Amended P.R. 3-1 Disclosures of Asserted Claims and Infringement Contentions.

L. Yahoo!’s discovery and investigation in connection with this lawsuit is continuing. As a result, Yahoo!’s responses are limited to information obtained to date, and are given without prejudice to Yahoo!’s right to amend or supplement its responses after considering information obtained through further discovery or investigation. Yahoo!’s production of witnesses in response to this Notice shall not constitute an admission of the relevance or materiality of the subject matters for testimony set forth in this Notice and its attachments.

M. These General Objections are incorporated by reference in each response to each Deposition Topic and shall not be repeated in every response to which they are applicable. All responses are provided subject to and without waiving the General Objections.

SPECIFIC OBJECTIONS AND RESPONSES

DEPOSITION TOPIC NO. 1A.:

A detailed description and analysis of the functionality, features, software, and/or methodology of the Accused Products, including but not limited to the functionality, features, and/or methodology of the Yahoo! Search Marketing interface and any predecessor interface used by sellers to input data.

RESPONSE TO DEPOSITION TOPIC NO. 1A:

Yahoo! incorporates by reference each of the General Objections stated above. In addition to the General Objections, Yahoo! objects to this Deposition Topic as vague and ambiguous. Yahoo! further objects to this Deposition Topic because it is overly broad and unduly burdensome and not likely to lead to the discovery of admissible evidence, particularly to the extent it seeks testimony on products and features that are not specifically disclosed in Function Media's First Amended P.R. 3-1 Disclosures of Asserted Claims and Infringement Contentions. Yahoo! further objects to the extent this Deposition Topic seeks testimony that is neither relevant to the claims and defenses in this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. Yahoo! further objects to this Deposition Topic to the extent it seeks testimony that is protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Yahoo! also objects to this Deposition Topic to the extent it seeks testimony that is available through other means that are more convenient, less burdensome or less expensive, including documents produced by Yahoo! in response to Function Media's document requests.

Subject to and without waiving its objections, Yahoo! will designate one or more witnesses to testify on the pertinent functionality, features, software and/or methodologies of Yahoo! Publisher Network Beta and Yahoo! Content Match running on the YPN ("Accused Instrumentalities"), to the extent such a witness can be located and reasonably prepared to testify.

DEPOSITION TOPIC NO. 1B:

A detailed description and analysis of the functionality, features, software, and/or methodology of the Accused Products, including but not limited to the functionality, features, and/or methodology of the Yahoo! Publisher Network interface and any predecessor interface used by sellers to input data.

RESPONSE TO DEPOSITION TOPIC NO. 1B:

Yahoo! incorporates by reference each of the General Objections stated above. In addition to the General Objections, Yahoo! objects to this Deposition Topic as vague and ambiguous. Yahoo! further objects to this Deposition Topic because it is overly broad and unduly burdensome, particularly to the extent it seeks testimony on products and features that are not specifically disclosed in Function Media's First Amended P.R. 3-1 Disclosures of Asserted Claims and Infringement Contentions. Yahoo! further objects to the extent this Deposition Topic seeks testimony that is neither relevant to the claims and defenses in this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. Yahoo! further objects to this Deposition Topic to the extent it seeks testimony that is protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Yahoo! also objects to this Deposition Topic to the extent it seeks testimony that is available through other means that are more convenient, less burdensome or less expensive, including documents produced by Yahoo! in response to Function Media's document requests.

Subject to and without waiving its objections, Yahoo! will designate one or more witnesses to testify on the pertinent functionality, features, software, and/or methodology of the Accused Instrumentalities, to the extent such a witness can be located and reasonably prepared to testify.

DEPOSITION TOPIC NO. 1C:

A detailed description and analysis of the functionality, features, software, and/or methodology of the Accused Products, including but not limited to the functionalities, features,

software, and/or methodologies of the Accused Products for creating, designing, formatting, processing, modifying, publishing, and/or displaying advertisements or advertisement content.

RESPONSE TO DEPOSITION TOPIC NO. 1C:

Yahoo! incorporates by reference each of the General Objections stated above. In addition to the General Objections, Yahoo! objects to this Deposition Topic as vague and ambiguous. Yahoo! further objects to this Deposition Topic because it is overly broad and unduly burdensome, particularly to the extent it seeks testimony on products and features that are not specifically disclosed in Function Media's First Amended P.R. 3-1 Disclosures of Asserted Claims and Infringement Contentions. Yahoo! further objects to the extent this Deposition Topic seeks testimony that is neither relevant to the claims and defenses in this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. Yahoo! further objects to this Deposition Topic to the extent it seeks testimony that is protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Yahoo! also objects to this Deposition Topic to the extent it seeks testimony that is available through other means that are more convenient, less burdensome or less expensive, including documents produced by Yahoo! in response to Function Media's document requests.

Subject to and without waiving its objections, Yahoo! will designate one or more witnesses to testify on the pertinent functionality, features, software, and/or methodology of the Accused Instrumentalities, to the extent such a witness can be located and reasonably prepared to testify.

DEPOSITION TOPIC NO. 1D:

A detailed description and analysis of the functionality, features, software, and/or methodology of the Accused Products, including but not limited to the software and functions that utilize, apply, execute, process, or manipulate input data in the creation, design, formatting, processing, modification, selection, targeting, and/or publication of advertisements.

RESPONSE TO DEPOSITION TOPIC NO. 1D:

Yahoo! incorporates by reference each of the General Objections stated above. In addition to the General Objections, Yahoo! objects to this Deposition Topic as vague and ambiguous. Yahoo! further objects to this Deposition Topic because it is overly broad and unduly burdensome, particularly to the extent it seeks testimony on products and features that are not specifically disclosed in Function Media's First Amended P.R. 3-1 Disclosures of Asserted Claims and Infringement Contentions. Yahoo! further objects to the extent this Deposition Topic seeks testimony that is neither relevant to the claims and defenses in this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. Yahoo! further objects to this Deposition Topic to the extent it seeks testimony that is protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Yahoo! also objects to this Deposition Topic to the extent it seeks testimony that is available through other means that are more convenient, less burdensome or less expensive, including documents produced by Yahoo! in response to Function Media's document requests.

Subject to and without waiving its objections, Yahoo! will designate one or more witnesses to testify on the pertinent functionality, features, software, and/or methodology of the Accused Functionalities, to the extent such a witness can be located and reasonably prepared to testify.

DEPOSITION TOPIC TESTIMONY NO. 2:

The history, versions, and releases of the Accused Products, including but not limited to the dates and differences in features and functionalities among such versions and

releases as well as the integration of any acquired advertisement technologies, products, or services into Yahoo!'s advertising technologies, products, or services.

RESPONSE TO DEPOSITION TOPIC NO. 2:

Yahoo! incorporates by reference each of the General Objections stated above. In addition to the General Objections, Yahoo! objects to this Deposition Topic as vague and ambiguous. Yahoo! further objects to this Deposition Topic because it is overly broad and unduly burdensome, particularly to the extent it seeks testimony on products and features that are not specifically disclosed in Function Media's First Amended P.R. 3-1 Disclosures of Asserted Claims and Infringement Contentions. Yahoo! further objects to the extent this Deposition Topic seeks testimony that is neither relevant to the claims and defenses in this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. Yahoo! further objects to this Deposition Topic to the extent it seeks testimony that is protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Yahoo! also objects to this Deposition Topic to the extent it seeks testimony that is available through other means that are more convenient, less burdensome or less expensive, including documents produced by Yahoo! in response to Function Media's document requests. Yahoo! further objects to this Deposition Topic to the extent it seeks testimony that is outside the knowledge of Yahoo!.

Subject to and without waiving its objections, Yahoo! will designate one or more witnesses to testify on the history, versions, and releases of the pertinent features of the Accused Instrumentalities, to the extent such a witness can be located and reasonably prepared to testify.

DEPOSITION TOPIC NO. 3.:

The factual bases for Yahoo!'s allegations of non-infringement asserted in its Answer in the above-captioned case, including (a) identification of any limitation of any asserted claim in the patents-in-suit that Yahoo! contends is not present in the Accused Products, and (b) the basis for each such contention.

RESPONSE TO DEPOSITION TOPIC NO. 3:

Yahoo! incorporates by reference each of the General Objections stated above. In addition to the General Objections, Yahoo! objects to this Deposition Topic to the extent it seeks information available through other means that are more convenient, less burdensome or less expensive, including documents produced by Yahoo! in response to Function Media's document requests, answers to interrogatories, and expert reports. Yahoo! further objects that this Deposition Topic is premature, overly broad and/or unduly burdensome to the extent it asks Yahoo! for testimony regarding "factual bases" for non-infringement given that discovery has recently commenced, and Yahoo!'s investigation is on-going. Yahoo! further objects to this Deposition Topic because it is overly broad and unduly burdensome, particularly to the extent it seeks testimony on products and features that are not specifically disclosed in Function Media's First Amended P.R. 3-1 Disclosures of Asserted Claims and Infringement Contentions. Yahoo! further objects to the extent this Deposition Topic seeks testimony that is neither relevant to the claims and defenses in this lawsuit nor reasonably calculated to lead to the discovery of admissible evidence. Yahoo! further objects to this Deposition Topic to the extent it seeks testimony that is protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Yahoo! further objects to this Deposition Topic as seeking improper testimony from a non-expert, party witness and as premature because it seeks expert opinion testimony prior to the disclosure dates set forth in Federal Rule of Civil Procedure and the Court's Scheduling Order for expert discovery, before substantial discovery has occurred, and because the Court has not yet entered a claim construction ruling in this case. Yahoo! further objects to this Deposition Topic to the extent it seeks testimony on legal conclusions. Yahoo! further objects to this Deposition Topic to the extent it is duplicative of Deposition Topic 1.

DEPOSITION TOPIC NO. 4:

How, when, and through whom Yahoo! first became aware of each of the patents-in-suit.

RESPONSE TO DEPOSITION TOPIC NO. 4:

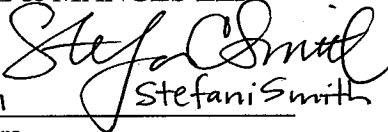
Yahoo! incorporates by reference each of the General Objections stated above. In addition to the General Objections, Yahoo! objects to this Deposition Topic to the extent it seeks information through other means that are more convenient, less burdensome or less expensive, including Yahoo!'s responses to Function Media's interrogatories and documents produced by Yahoo! in response to Function Media's document requests. Yahoo! further objects to this Deposition Topic on the grounds that it seeks information that is protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Yahoo! further objects to this Deposition Topic to the extent it seeks testimony that requires Yahoo! to make legal conclusions and/or render expert opinions. Yahoo! further objects to this Deposition Topic to the extent it is premature in light of the Court-imposed schedule and P.R. 3-7.

Subject to and without waiving its objections, Yahoo! will designate one or more witnesses to testify concerning non-privileged information responsive to this topic, to the extent such a witness can be located and reasonably prepared to testify.

DATED: February 9, 2009

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

signed
w/permission

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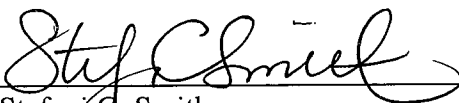
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Attorneys for Defendant Yahoo!, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2009, I have caused a copy of Yahoo!, Inc.'s Objections and Responses to Plaintiff's Notice of Deposition of Yahoo!, Inc. Pursuant to Fed. R. Civ. P. 30(b)(6) to be served on all Counsel of Record who have consented to electronic service via the Court's CM/ECF system.


Stefani C. Smith