

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

FUNCTION MEDIA LLC	§	Civil Action No. 2007-CV-279
	§	
Plaintiff,	§	
	§	
vs.	§	
	§	
GOOGLE INC. AND YAHOO!, INC.	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED

**[PROPOSED] ORDER GRANTING PLAINTIFF’S MOTION
TO COMPEL DISCOVERY FROM DEFENDANT YAHOO!, INC.**

Before the Court is Plaintiff Function Media’s Motion to Compel Discovery from Defendant Yahoo!, Inc, filed on April 13, 2009. After considering the Motion and the relief requested therein, the response in opposition thereto, and any reply, the Court finds that the motion should be and hereby is **GRANTED**. Accordingly, it is **ORDERED** that (1) Yahoo shall produce all responsive documents and source code withheld concerning API, direct advertisers/publishers, and APT; (2) Yahoo shall re-produce Mr. Plummer for deposition so that Function Media can inquire into topics that Mr. Plummer was improperly instructed not to answer; and, more generally, (3) Yahoo shall refrain from instructing deponents not to answer questions on grounds other than privilege.