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

FUNCTION MEDIA, L.L.C.,	§	
	§	
Plaintiff,	§	
	§	<b>CIVIL ACTION</b>
v.	§	
	§	NO. 2-07CV-279
GOOGLE, INC. and YAHOO!, INC.,	§	
	§	
Defendants.	§	
	8	
	§	
	§	

## DECLARATION OF JEFFREY G. HOMRIG IN SUPPORT OF YAHOO!, INC.'S REPLY TO PLAINTIFF'S OPPOSITION TO YAHOO!'S MOTION BARRING DISCOVERY INTO NON-ACCUSED TECHNOLOGY

I, Jeffrey G. Homrig, declare:

- 1. I am an associate at Weil, Gotshal & Manges, LLP, which is counsel for defendant, Yahoo!, Inc. ("Yahoo"), in this litigation. The facts stated herein are true of my own personal knowledge and, if called as a witness, I could and would testify competently thereto.
- 2. Attached as Exhibit 1 is a true and correct copy of excerpts from a September 4, 2008 letter to Jeremy Brandon.

/ / / I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on April 24, 2009, at Redwood Shores, California.

DATED: April 24, 2009

WEIL, GOTSHAL & MANGES LLP

/s/ Jeffrey G. Homrig
Jeffrey G. Homrig

Matthew D. Powers

matthew.powers@weil.com

Douglas E. Lumish

doug.lumish@weil.com

Jeffrey G. Homrig

jeffrey.homrig@weil.com

WEIL, GOTSHAL & MANGES LLP
Silicon Valley Office

201 Redwood Shores Pkwy.

Redwood Shores, CA 94065

Tel: 650.802.3000

Fax: 650.802.3100

ATTORNEYS FOR DEFENDANT YAHOO!, INC.

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on this April 24, 2009. As of this date, all counsel of record has consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Jeffrey G. Homrig
Jeffrey G. Homrig