

## **Exhibit 10**

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. 2007-CV-279

JURY TRIAL DEMANDED

**YAHOO!, INC.'S OBJECTIONS AND RESPONSES TO  
PLAINTIFF'S SECOND SET OF INTERROGATORIES TO YAHOO!, INC. (No. 9)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendant and Counterclaim Plaintiff Yahoo!, Inc. (“Yahoo!”) hereby objects and responds as follows to Plaintiff’s Second Set of Interrogatories, served by Plaintiff and Counterclaim Defendant Function Media, LLC (“Function Media”).

**GENERAL OBJECTIONS**

Yahoo! makes the following General Objections to Function Media’s Second Set of Interrogatories, which apply regardless of whether a General Objection is specifically incorporated into the response.

1. Yahoo! objects to each interrogatory, definition, or instruction to the extent it seeks or purports to impose obligations beyond or inconsistent with those imposed by the Federal Rules of Civil Procedure, the applicable rules and orders of this Court, or any stipulation or agreement of the parties in this action.

2. Yahoo! objects to Function Media’s definition of “sales” as vague, overbroad and unduly burdensome.

3. Yahoo! objects to Function Media's definition of "Accused Product" as vague, overbroad and unduly burdensome, in part because the definition includes products, systems, technologies, functionalities, and services not specifically disclosed in Function Media's First Amended P.R. 3-1 Disclosures of Asserted Claims and Infringement Contentions.

4. Yahoo! objects to each interrogatory, definition, or instruction to the extent it seeks information that is 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 information only to the extent it can do so consistent with its obligations to any third parties.

5. Yahoo! objects to each interrogatory, definition, or instruction to the extent it seeks information not within the possession, custody, or control of Yahoo!. Yahoo! will only provide relevant, non-privileged information that is within Yahoo!'s present possession, custody, or control and available to Yahoo! after a reasonable investigation.

6. No objection or response made in this document shall be deemed to be an admission by Yahoo! as to the existence or non-existence of responsive information or documents, unless specifically so stated.

7. By making the accompanying responses and objections to the interrogatory, Yahoo! does not waive, and hereby expressly reserves, its right to assert any and all objections as to the admissibility of such documents or information into evidence in this action, or in any other proceeding, on any and all grounds, including, but not limited to competency, relevancy, materiality, and privilege.

9. Yahoo! objects to each interrogatory, definition, or instruction to the extent that it calls for information that is subject to the attorney-client privilege and/or work

product immunity. Yahoo! does not intend to waive any applicable privilege or immunity by these responses, and nothing herein shall be deemed to give rise to such a waiver.

## **RESPONSES TO INTERROGATORIES**

### **INTERROGATORY NO. 9:**

State all revenues, profits, financial data, and usage statistics derived from or attributable in any way to usage, licensing, support, sales, maintenance, consulting, training hosting, implementation, or customization associated with the Accused Products, any functionality therein, or any other products or functionalities sold to or used by customers who use the Accused Products. Your response should include data from 2002 until the present, broken down annually and by quarter.

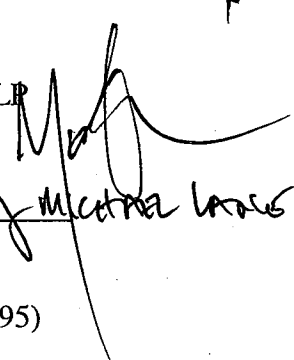
### **RESPONSE TO INTERROGATORY NO. 9:**

In addition to its General Objections, Yahoo! objects to this interrogatory to the extent it calls for information that is subject to the attorney-client privilege and/or work product immunity. Yahoo! further objects to this interrogatory as vague. Moreover, Yahoo! objects to this interrogatory as overbroad and unduly burdensome. Yahoo! further objects to this interrogatory to the extent it is not reasonably calculated to lead to the discovery of admissible evidence, particularly to the extent that it requests information regarding products, systems, technologies, functionalities, and services not specifically disclosed in Function Media's First Amended P.R. 3-1 Disclosures of Asserted Claims and Infringement Contentions. Further, Yahoo! objects to this interrogatory on the ground that it seeks information that is otherwise available from another source that is more convenient, less burdensome, or less expensive, including documents produced by Yahoo! in response to Function Media's document requests.

DATED: December 17, 2008

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

  
Signed w/permission by Douglas Lumish  
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