

Exhibit 2

**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.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 2007-CV-279

JURY TRIAL DEMANDED

NOTICE OF FIRST RULE 30(b)(6) DEPOSITION OF YAHOO!, INC.

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, on February 9, 2009, at 9:00 a.m. at the offices of Weil Gotshal, located at 201 Redwood Shores Parkway, Redwood Shores, CA 94065, counsel for Function Media LLC will take the videotaped deposition(s) of the designated representative(s) of Yahoo!, Inc. best able to testify as to the matters set forth in Exhibit A. Yahoo!, Inc. has a duty to designate one or more officers, directors, managing agents, or other persons with sufficient knowledge to testify for Yahoo!, Inc. on information known to or reasonably available to it on these matters. Pertinent definitions are set forth in Exhibit B.

The deposition(s) will be taken before a Notary Public or some other officer authorized by law to administer oaths for use at trial. The deposition(s) will continue from day to day until completed and will be both videotaped and recorded by stenographic means. All parties are invited to attend and examine the deponent(s).

DATED: January 8, 2009

Respectfully submitted,

Max L. Tribble, Jr.

w/permission
jb

Max L. Tribble, Jr.
State Bar No. 20213950
Email: mtribble@susmangodfrey.com
SUSMAN GODFREY LLP
1000 Louisiana, Suite 5100
Houston, Texas, 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666

Lead Attorney for Plaintiffs

OF COUNSEL:

Joseph S. Grinstein
State Bar No. 24002188
Email: jgrinstein@susmangodfrey.com
SUSMAN GODFREY LLP
1000 Louisiana Street, Suite 5100
Houston, Texas 77002-5096
Telephone: (713) 651-9366
Fax: (713) 654-6666

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served via email on all counsel of record, this 8th day of January, 2009.


Jeremy J. Brandon

EXHIBIT A

DEPOSITION TOPICS

The topics listed below cover the time period from September 2002 to the present.

1. A detailed description and analysis of the functionality, features, software, and/or methodology of the **Accused Products**, including but not limited to the
 - a. functionality, features, and/or methodology of the Yahoo! Search Marketing interface and any predecessor interface used by sellers to input data,
 - b. functionality, features, and/or methodology of the Yahoo! Publisher Network interface and any predecessor interface used by media venues to input data,
 - c. functionalities, features, software, and/or methodologies of the Accused Products for creating, designing, formatting, processing, modifying, publishing, and/or displaying advertisements or advertisement content,
 - d. 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.
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.
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.
4. How, when, and through whom Yahoo! first became aware of each of the patents-in-suit.

EXHIBIT B

DEFINITIONS

- A. “Yahoo!” means Yahoo!, Inc., defendant in this action, as well as any parent company owning all or part of Yahoo!, and: (i) any Yahoo! subsidiary (either wholly or partly-owned), subcontractor, division, branch or department; (ii) any entity under the control of Yahoo!; (iii) any proprietorship, joint venture, partnership or other business cooperation involving Yahoo!; (iv) all Yahoo! predecessors-in-interest, representatives, successors-in-interest; (v) the present and former directors, officers, accountants, affiliates, attorneys, agents, employees, in-house and outside counsel or other persons under the control of Yahoo!, regardless of their affiliation or employment; (vi) any entity acquired by Yahoo!, and (vii) any other person acting or purporting to act on behalf of Yahoo!.
- B. The term “patents-in-suit” refers collectively to the ‘045 patent and the ‘025 patent.
- C. The “‘045 patent” means United States Patent No. 6,446,045 together with the application on which it issued, its entire prosecution history, and all foreign counterparts, including foreign applications and foreign prosecution histories.
- D. The “‘025 patent” means United States Patent No. 7,240,025, together with the application on which it issued, its entire prosecution history, and all foreign counterparts, including foreign applications and foreign prosecution histories.
- E. The term “sellers” means “sellers” as defined in the ‘045 patent.
- F. The term “media venues” means “media venues” as defined in the ‘045 patent.
- G. The terms “publishing” and “publication” mean “publishing” as defined in the ‘045 patent.
- H. The term “Accused Products” means any products, systems, technologies, functionalities, or services made, used, offered for use, sold, offered for sale, marketed, or licensed by Yahoo! utilizing Yahoo! Search Marketing or Yahoo! Publisher Network, or any predecessor or successor technologies, products, or services, including any technology made, used, offered for use, sold, offered for sale, or licensed by Yahoo! that allows the creation, design, modification, processing, formatting, publication, or display of advertisements on media.
- I. Except where to do so would exclude information, use of the singular shall be taken to include the plural and vice-versa.
- J. The terms “and” and “or” shall be construed conjunctively or disjunctively to make any request for information inclusive rather than exclusive.