

Exhibit 3

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:

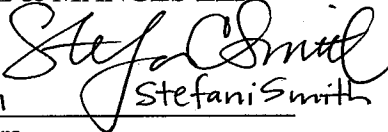
Yahoo! incorporates by reference each of the General Objections stated above. In addition to the General Objections, Yahoo! objects to this Deposition Topic to the extent it seeks information through other means that are more convenient, less burdensome or less expensive, including Yahoo!'s responses 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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