

## **Exhibit 4**

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March 7, 2008

VIA E-MAIL

Re: Function Media LLC v. Google, Inc. & Yahoo!, Inc.

Dear Tom, Jason, and Doug:

Further to my email of yesterday, I have set forth below (A) a non-exclusive list of documents that we believe are relevant to this action, (B) a list of narrow search terms that we propose running across Google's and Yahoo!'s relevant servers, and (C) a list of broader search terms that we propose running across the electronic documents of certain categories of custodians. Function Media reserves its right to supplement these lists if it makes a good-faith determination that such supplementation is necessary.

**A. Relevant Documents**

For purposes of this letter:

- The term "Patents-in-Suit" refers collectively to the following patents: U.S. Patent 6,446,045; U.S. Patent 7,240,025; U.S. Patent 6,829,587; U.S. Patent 7,249,059. Any reference to a patent is intended to include the application on which it issued, its entire prosecution history, and all foreign counterparts, including foreign applications and foreign prosecution histories.

- With respect to Google, the term "Accused Products" refers to any products, systems, or services made, used, sold, offered for sale, or licensed by Google utilizing Google's AdWords or AdSense technologies, or any other technology made, used, sold, offered for sale, or licensed by Google that allows a user to create, publish or display advertisements on media owned or controlled by entities other than that user.

- With respect to Yahoo, the term "Accused Products" refers to any products, systems, or services made, used, sold, offered for sale, or licensed by

Yahoo utilizing **Yahoo's Search Marketing and Yahoo Publisher Network technologies, or any other technology made, used, sold, offered for sale, or licensed by Yahoo that allows a user to create, publish, or display advertisements on media owned or controlled by entities other than that user.**

- The term "document" and "documents" are used in their broadest sense allowed by Rule 34(a) of the Federal Rules of Civil Procedure and include, but are not limited to, any writings, drawings, graphs, charts, photographs, phonograph records, tape recordings, notes, diaries, calendars, checkbooks, books, papers, accounts, electronic or videotape recordings, and any computer-generated, computer-stored, or electronically-stored matter from which information can be obtained and translated, if necessary, into reasonably useable form.

- The terms "sale," "sales," "sell" or "sold" shall include sales, licenses, leases, loans, consignments, distribution to resellers or others and all other methods of product distribution whether direct or indirect, and whether the product is distributed singly or in combination with or as part of another product, and whether or not revenue was or will be received therefrom.

- The term "prior art" includes by way of example, and without limitation, the subject matter described in 35 U.S.C. §§ 102 and 103, including, without limitation, publications, physical devices, prototypes, uses, sales, and offers for sale and any documents or thing evidencing any of the foregoing.

- The terms "Google," "Yahoo," "you," or "your" mean Google, Inc. and Yahoo!, Inc., respectively, Defendants in this action, as well as any parent company owning all or part of Google or Yahoo and: (i) any Google or Yahoo subsidiary (either wholly or partly-owned), subcontractor, division, branch or department; (ii) any entity under the control of Google or Yahoo; (iii) any proprietorship, joint venture, partnership or other business cooperation involving Google or Yahoo (iv) all Google or 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 Google or Yahoo, regardless of their affiliation or employment; and (vi) any other person acting or purporting to act on behalf of Google or Yahoo.

Please produce the following documents:

1. For any of the **Accused Products**, all documents concerning the implementation of the Accused Products by Google and Yahoo, including code (including executable or compatible code), product specifications, flowcharts,

models, drawings, promotional literature, advertising, engineering design, engineering analysis and testing.

2. All documents mentioning or concerning any **Accused Product's** placement or targeting of advertisements, including code (including executable or compatible code), product specifications, flowcharts, models, drawings, promotional literature, advertising, engineering design, engineering analysis and testing.

3. All documents mentioning or concerning the pricing of the Accused Products to any end user. This request includes pricing to advertisers using the Accused Products and pricing or revenue-sharing for media that displays advertisements using the Accused Products.

4. All documents mentioning or concerning any of the Patents-in-Suit or their applications - including parents, divisional, continuation, or continuation-in-part applications, whether or not they matured into parents.

5. All documents concerning your knowledge of any of the Patents-in-Suit, including documents indicating when you became aware of any of the Patents-in-Suit.

6. All correspondence and other documents expressing opinions on or concerning the validity, invalidity, infringement, non-infringement, enforceability, non-enforceability, or license (either express or implied) as to any of the Patents-in-Suit.

7. All documents concerning the results of any prior art search directed to, or relating to, or containing any of the Patents-in-Suit.

8. All documents concerning or relating to an appraisal or valuation of any patent, license, royalty, technology transfer, or authorization-to-use agreement that relates to the Accused Products, including appraisals or valuations performed for tax purposes.

9. All documents concerning your policies or practices concerning patent clearances, right to use opinions, or other mechanisms to avoid your infringement of patents, including the Patents-in-Suit.

10. All documents concerning your contentions on reasonable royalties pursuant to 35 U.S.C. § 284 for any infringement of the Patents-in-Suit.

11. All documents concerning any analysis, opinion, or inquiry regarding potential infringement of the claims in each of the Patents-in-Suit, including, but

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(Overture)

("Global Networks" & ad!)

(patent)

("prior art")

(willful)

(infring!)

(licens!)

(royalty)

(invent!)

((revenu! or profit! or income) /p ad!)

(Yahoo /p competit! /p ad!)

(Google /p competit! /p ad!)

("thick client" or "thick-client" or "fat client" or "fat-client")

("thin client" or "thin-client")

("database")

("user-interface" or "user interface")

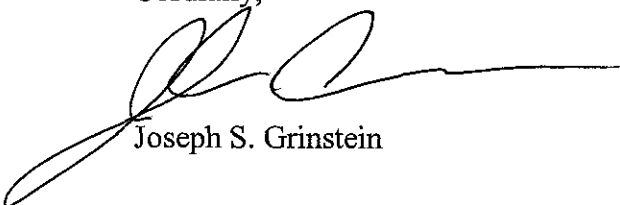
("demographic" or "demographics")

((target! or filter!) w/3 (ad! or site or website))

\* \* \*

We are happy to discuss the production of these documents with you at any time.

Cordially,



Joseph S. Grinstein