

Exhibit 5

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September 4, 2008

BY EMAIL

Jeremy Brandon, Esq.
1000 Louisiana Street
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Re: *Function Media LLC v. Google, Inc. & Yahoo!, Inc.*

Dear Jeremy:

I am writing to follow-up on our recent conversation regarding Function Media's March 7, 2008 letter to Doug Lumish proposing a set of search terms and a "non-exclusive list" of document requests. Section I, below, sets forth non-exclusive responses and objections to Function Media's requests under part "A" of your March 7 letter. Please note that Yahoo! is responding to these requests as a courtesy, and that any omitted objection to your requests should not be construed as a waiver of the objection.

Further, as we discussed, some of Function Media's proposed terms and custodian categories are overbroad and would impose undue burden and expense. Sections II and III, also below, list reasonable alternatives to these terms and categories.

I. Yahoo!'s Responses and Objections to Function Media's Document Requests

Yahoo! objects generally to your letter to the extent it seeks information protected by the attorney-client privilege and/or the work-product doctrine. Yahoo! also objects to your definitions and requests to the extent they are overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, and to the extent they purport to seek information not within Yahoo!'s

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possession, custody, or control. Yahoo! will only produce documents related to Yahoo! products specifically accused in Function Media's March 3, 2008 infringement contentions. Yahoo! further objects to your letter to the extent it imposes deadlines or requirements inconsistent with those set forth in the Federal Rules of Civil Procedure, the Local Rules, and the Court's Orders. Moreover, Yahoo! objects to your letter to the extent it seeks the disclosure of information that is confidential, proprietary, and/or trade secret information of third parties that is in Yahoo!'s possession subject to an obligation to a third party. Further, Yahoo! objects to your letter to the extent it seeks production of documents or things that are publicly available or already in Function Media's possession, custody, or control. Yahoo!'s responses to Function Media's specific requests are as follows:

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.

RESPONSE: In addition to its general objections, Yahoo! objects to this request as vague and overbroad. Yahoo! further objects to this request to the extent it imposes undue burdens and costs associated with demands for information from sources that are not reasonably accessible. Further, Yahoo! objects to this request to the extent it seeks information protected by the attorney-client privilege and/or the work-product doctrine.

Subject to its objections, Yahoo! has produced or will produce responsive, non-privileged documents sufficient to show the structure, functionality, and operation of the pertinent features of Yahoo!'s accused products, to the extent such documents exist and are located after a reasonable search. With respect to source code, Yahoo! will make available for inspection source code for the pertinent features of Yahoo!'s accused products. The parties should meet and confer to discuss the features for which source code will be made available for inspection and the timing of the first inspection.

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.

RESPONSE: In addition to its general objections, Yahoo! objects to this request as vague and overbroad. Yahoo! further objects to this request to the extent it imposes undue burdens and costs associated with demands for information from sources that are

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not reasonably accessible. Further, Yahoo! objects to this request to the extent it seeks information protected by the attorney-client privilege and/or the work-product doctrine.

Subject to its objections, Yahoo! has produced or will produce responsive, non-privileged documents sufficient to show the placement or targeting of advertisements in Yahoo!'s accused products, to the extent such documents exist and are located after a reasonable search. With respect to source code, Yahoo! will make available for inspection source code for the pertinent features of Yahoo!'s accused products. The parties should meet and confer to discuss the features for which source code will be made available for inspection and the timing of the first inspection.

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.

RESPONSE: In addition to its general objections, Yahoo! objects to this request as vague, overbroad and unduly burdensome. Yahoo! further objects to this request to the extent it seeks the disclosure of information that is confidential, proprietary, and/or trade secret information of third parties that is in Yahoo!'s possession subject to an obligation to a third party. Further, Yahoo! objects to this request to the extent it seeks information protected by the attorney-client privilege and/or the work-product doctrine.

Subject to its objections, Yahoo! has produced or will produce responsive, non-privileged documents sufficient to show pricing information for the pertinent features of Yahoo!'s accused products, to the extent such documents exist and are located after a reasonable search.

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.

RESPONSE: In addition to its general objections, Yahoo! objects to this request as overbroad and unduly burdensome. Yahoo! further objects to this request to the extent it seeks information protected by the attorney-client privilege and/or the work-product doctrine. Further, Yahoo! objects to this request to the extent it seeks information that is publicly available or in Function Media's possession, custody, or control. Yahoo! also objects to the extent this request is premature in light of the Court's timeline for the parties' 3-8 disclosures.

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Subject to these objections, Yahoo! identifies the following three people as knowledgeable about the business plans and reasons for developing the pertinent features of the Accused Products:

John Slade

Matt Plummer

Ivan Markman

5. **“The three people most knowledgeable about the revenues and profits associated with the Accused Products.”**

Yahoo! objects to this category as vague and overbroad.

Subject to these objections, Yahoo! identifies the following three people as knowledgeable about the revenues and profits attributable to the pertinent features of the Accused Products:

Glen Hastings

Qasim Saiffee

Magdalena Chow

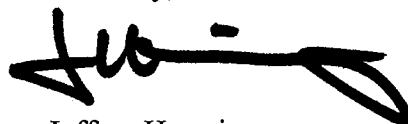
6. **“The three people most knowledgeable about Google and Yahoo’s patent licensing policies, procedures, and past licenses.”**

Yahoo! objects to this category as vague and overbroad.

Subject to these objections, Yahoo! identifies the following person as knowledgeable about Yahoo!’s licensing policies concerning patent licenses comparable to the license that would be at issue in the damages analysis in this action:

Joseph Siino

Sincerely,

A handwritten signature in black ink, appearing to read 'J Homrig', with a long horizontal flourish extending to the right.

Jeffrey Homrig