

Of counsel:

LYNN H. PASAHOW
Lead Attorney
J. DAVID HADDEN
DARREN E. DONNELLY
SAINA S. SHAMILOV
C. J. ALICE CHUANG
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041-2008
Tel: (650) 988-8500
Fax: (650) 938-5200
E-mail: dhadden@fenwick.com

Attorneys for Defendant
A9.COM, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service, Local Rule CV-5(a)(3)(A), on this 22nd day of October, 2007.

Respectfully submitted,

/s/Blake C. Erskine

Blake C. Erskine, Bar No. 06649000

ERSKINE & MCMAHON, LLP

Post Office Box 3485

Longview, Texas 75606-3485

Tel: (903) 757-8435

Fax: (903) 757-9429

E-mail: BlakeE@erskine-mcmahon.com

ATTORNEYS FOR DEFENDANT

A9.COM, INC.