

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BRIGHT RESPONSE, LLC

vs.

GOOGLE INC., ET AL.

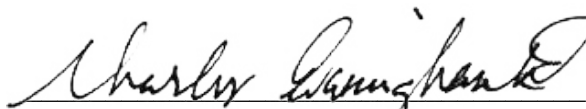
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CASE NO. 2:07-CV-371-CE

ORDER

Pending before the court is the defendant Yahoo! Inc.'s ("Yahoo") motion to preclude Bradlee Sheafe (Dkt. No. 592). Yahoo wishes to exclude testimony from Mr. Sheafe, the plaintiff Bright Response's corporate representative, that 10% is a reasonable royalty. The court concludes that Mr. Shaefe is entitled to explain what royalty would have been acceptable at the time of the hypothetical negotiation. Thus, the court DENIES Yahoo's motion.

SIGNED this 3rd day of August, 2010.


 CHARLES EVERINGHAM IV
 UNITED STATES MAGISTRATE JUDGE