

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**FPX, LLC, (d.b.a. FIREPOND),  
Individually and on Behalf of All Others  
Similarly Situated,**

**Civil Action No. 2:09-cv-00142**

**Plaintiff,**

**v.**

- (1) GOOGLE, INC.;**  
**(2) YOUTUBE, LLC;**  
**(3) AOL, LLC;**  
**(4) TURNER BROADCASTING  
SYSTEM, INC.;**  
**(5) MYSPACE, INC., and**  
**(6) IAC/INTERACTIVECORP**

**Defendants.**

**PLAINTIFF'S WITNESS DESIGNATIONS**

Plaintiff FPX, LLC respectfully submits their witness list. Plaintiff may call the following witnesses

**I. Fact Witness List**

Kerry Barker  
Team Leader for the Legal Advertising Support Team  
Google Inc.  
c/o Charles L. Babcock  
Jackson Walker, L.L.P.  
901 Main Street, Suite 6000  
Dallas, Texas 75202  
(214) 953-6000

Plaintiff may introduce portions of Ms. Barker's declaration.

## II. Expert Witness List

Dr. Thomas J. Maronick  
Professor of Marketing  
Towson University  
Towson, Maryland 21252

Subject to a ruling on Defendants' Motion to Exclude the Expert Report and Opinion of Thomas J. Maronick, and without waiver of Defendants' objections, Plaintiff will offer Professor Maronick's expert report

## III. ATTORNEY DECLARANTS

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Nathan D. Meyer  
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Plaintiff's attorneys will testify via declaration as previously set forth in Plaintiffs' Motions for Class Certification and Plaintiff's briefing relating to Defendants' Motion to Exclude the Expert Report and Opinion of Thomas J. Maronick.

Dated: November 17, 2010

Respectfully submitted,

By: /s/Nathan D. Meyer  
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**Attorneys for Plaintiff  
FPX, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on November 17, 2010 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

Dated: November 17, 2010

/s/ Nathan D. Meyer  
Nathan D. Meyer