

**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,**

**Plaintiff,**

v.

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

**Defendants.**

**Civil Action No. 2:09-cv-00142 (TJW-CE)**

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

**JOINT MOTION FOR ENTRY OF DOCKET CONTROL AND DISCOVERY ORDER**

Plaintiff FPX, LLC (d.b.a. Firepond), individually and on behalf of all others similarly situated and Defendants Google Inc., YouTube, LLC, AOL LLC, Turner Broadcasting System, Inc., MySpace, Inc. and IAC/Interactivecorp., respectfully request that, on resolution of the issues of disagreement, as described below, the Court enter the attached proposed Docket Control and Discovery Order.

Despite meeting and conferring over several hours, and over several days, the parties were unable to reach agreement on various of the matters discussed pursuant to this Court's September 22, 2009 order and Rule 26(f) of the Federal Rules of Civil Procedure. Accordingly, the attached proposed Docket Control and Discovery Order reflects such areas of disagreement for consideration by the Court.

Dated: October 22, 2009

By: /s/ Marc A. Fenster

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situated

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Attorneys for Defendants GOOGLE, INC.,  
YOUTUBE, LLC, AOL LLC, TURNER  
BROADCASTING SYSTEM, INC., MYSPACE,  
INC. and IAC/INTERACTIVECORP

**CERTIFICATE OF SERVICE**

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on October 22, 2009 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: October 22, 2009

/s/ Marc A. Fenster  
Marc A. Fenster