

**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
CLASS ACTION COMPLAINT**

JURY TRIAL REQUESTED

ORDER GRANTING MOTION FOR CLASS CERTIFICATION

The Court, having considered said motion, finds that it is well taken and should be granted.

IT IS, THEREFORE, ORDERED that Plaintiff FPX, LLC's ("Plaintiff") motion to certify this case as a class action, name Plaintiff FPX, LLC as class representatives, and appoint counsel Marc Fenster of Russ, August & Kabat, David Whittlesey of Andrews Kurth LLP, Andrew W. Spangler and David M. Pridham jointly as class counsel is hereby granted. The following class is certified in the above captioned action:

Any and all individuals and/or entities (excluding governmental entities, Defendants, and Defendants' parents, predecessors, subsidiaries, affiliates, and agents) domiciled within the state of Texas that own a mark that has been registered with the United States Patent

and Trademark Office (“USPTO”) that has been sold by defendant Google as a keyword and/or an Adword during the period May 11, 2005 through the present.