

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

FPX, LLC d/b/a FIREPOND,	§	
	§	
	§	Civil Action No. 2:09-cv-00142-TJW
Individually and on Behalf of All Others	§	
Similarly Situated,	§	
	§	
Plaintiff,	§	CLASS ACTION COMPLAINT
	§	
v.	§	
	§	
GOOGLE INC., YOUTUBE, LLC, AOL,	§	JURY TRIAL REQUESTED
LLC, TURNER BROADCASTING	§	
SYSTEM, INC., MYSPACE, INC. AND	§	
IAC/INTERACTIVECORP,	§	
	§	
Defendants.	§	

**ORDER GRANTING DEFENDANTS’ MOTION TO STRIKE**

Before the Court is Defendants’ Motion to Strike certain paragraphs of and exhibits attached to the Declaration of Marc A. Fenster filed in support of Plaintiff’s Opposed Motion for Class Certification. The Court, having considered the motion, rules as follows:

<u>Defendants move to strike <b>Paragraph No. 2</b></u> <u>of the Declaration of Marc A. Fenster and</u> <u>Exhibit A thereto</u>	___ GRANTED	___ DENIED
<u>Defendants move to strike <b>Paragraph No. 5</b></u> <u>of the Declaration of Marc A. Fenster and</u> <u>Exhibit D thereto</u>	___ GRANTED	___ DENIED
<u>Defendants move to strike <b>Paragraph No. 6</b></u> <u>of the Declaration of Marc A. Fenster and</u> <u>Exhibit E thereto</u>	___ GRANTED	___ DENIED

IT IS FURTHER ORDERED that any evidence to which an objection was directed and is granted herein will not be, and has not been, considered by the Court in ruling upon Plaintiff’s Opposed Motion for Class Certification.