

**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

**DECLARATION OF NATHAN D. MEYER IN OPPOSITION TO MOTION TO STRIKE
PORTIONS OF DECLARATION OF MARC A. FENSTER**

I, Nathan D. Meyer, declare and state as follows:

1. I am a member of the State Bar of California and an attorney at the law firm of Russ, August & Kabat, one of the counsel for Plaintiff FPX, LLC in the above-captioned action. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. On September 14, 2010, I personally entered "Southwest Airlines" into google.com. Attached as Exhibit "D" to Marc Fenster's declaration, filed September 17, 2010 and incorporated hereto by reference is a screenshot of those search results. I clicked on "smartfares.net/southwest," and despite several minutes of searching, was unable to find a link enabling me to buy Southwest Airlines tickets.

3. On September 14, 2010, I personally entered “Trek ” into google.com. Attached as Exhibit “D” to Marc Fenster’s declaration, filed September 17, 2010 and incorporated hereto by reference is a screenshot of those search results. I clicked on “bikesdirect.com,” and was unable to find a way to buy a Trek bicycle through that website despite several minutes of searching.

I declare, under penalty of perjury that the foregoing is true and correct to the best of my knowledge. This Declaration is executed on November 1, 2010 at Los Angeles, California.

Dated: November 5, 2010

/s/ Nathan D. Meyer
Nathan D. Meyer