

CTJ/MT
2009-10-08
ORIGINAL
5 in camera

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
DROP BOX
OCT - 8 2009
534
CLERK, U.S. DISTRICT COURT
By _____ Deputy

AMERICAN AIRLINES, INC.,

Plaintiff,

V.

YAHOO! INC., and
OVERTURE SERVICES, INC. d/b/a
YAHOO! SEARCH MARKETING,

Defendants.

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Civil Action No. 4-08CV-626-A

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE
TO FILE CORRECTED APPENDIX**

On October 7, 2009, Defendants Yahoo! Inc. and Overture Services, Inc. (collectively "Yahoo!") filed their Motion for Summary Judgment. In support of that motion, Defendants also filed a multi-volume appendix containing 35 tabbed exhibits. However, due to a printing error most of these filed exhibits did not show the highlighting that had been prepared in compliance with the Court's Order of February 10, 2009. This error was not discovered until after the items had been stamped and dropped into the drop box for filing on the evening of October 7th. A corrected appendix showing these highlights has been prepared and is attached to this motion.¹ The corrected appendix has also been prepared with the original signed declarations of the four declarants (Ms. Cameron, Mr. Hasse, Mr. Pann,

¹ As with the original appendix filed on October 7th, the Corrected Appendix contains substantial portions of confidential material. Accordingly, a redacted copy of the Corrected Appendix is presented for filing and an unredacted copy is being submitted with this motion for *in camera* review by the Court.

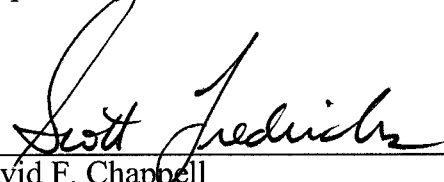
and Mr. Slottje) for whom scanned or facsimile copies of the signatures were submitted in yesterday's filing.²

Counsel for Plaintiff American Airlines, Inc. has advised that the Plaintiff is not opposed to the relief sought by this motion.

Accordingly, Yahoo! now respectfully requests leave to file a Corrected Appendix in Support of Defendants' Motion for Summary Judgment that will contain the highlights required by the Court's Order of February 10, 2009.

Dated: October 8, 2009

Respectfully submitted,



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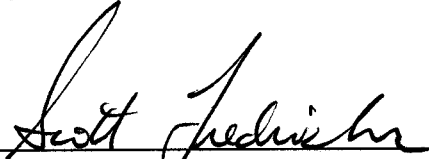
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Attorneys for Defendants YAHOO! INC.
and OVERTURE SERVICES, INC. d/b/a
YAHOO! SEARCH MARKETING

² In their Brief in Support of Defendants' Motion for Summary Judgment, Defendants stated at footnote 2 that they would file the original signatures once they were received by Defendants' counsel in Fort Worth. Pursuant to that representation, those original signatures are submitted in the corrected appendix.

CERTIFICATE OF CONFERENCE

I certify that on October 8, 2009, I conferred with Lars L. Berg, counsel for American Airlines Inc., on the foregoing motion, and Mr. Berg advised that his client does not oppose the relief sought in this motion.



Scott A. Fredricks

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on Defendants' counsel, as indicated below, on the 8th day of October 2009:

Dee J. Kelly
Dee J. Kelly, Jr.
Lars L. Berg
KELLY HART & HALLMAN, LLP
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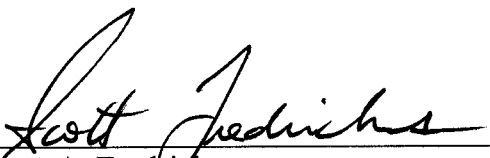
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