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ORIGINAL

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

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FT. WORTH DIVISION

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CLERK OF COURT

AMERICAN AIRLINES, INC.,

Plaintiff,

-v.-

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

Defendants.

No. 4-08-~~3~~CV-626-A

PLAINTIFF'S MOTION TO STRIKE DANIEL J. SLOTTJE AS EXPERT

Plaintiff, American Airlines, Inc. ("American"), moves to strike Daniel J. Slottje as an expert in this case, and respectfully shows the Court as follows:

**I.
SUMMARY**

After this Court denied Yahoo's request for leave to designate rebuttal experts in this case, Yahoo designated Daniel J. Slottje as an expert witness. On August 17, 2009, Yahoo served American with the Expert Report of Daniel J. Slottje (the "Slottje Report"). The Slottje Report reflects that Slottje is, in fact, designated solely to provide rebuttal testimony. Because the Slottje Report is inadequate under FED. R. CIV. P. 26(a)(2) and this Court's order dated March 13, 2009, Slottje should be stricken as an expert in this case.

**II.
LEGAL AND FACTUAL GROUNDS
ON WHICH AMERICAN RELIES**

The legal and/or factual grounds on which American relies are set forth in detail in American's brief.

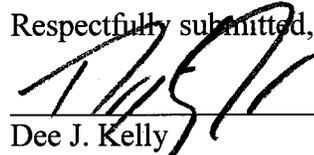
III.
APPENDIX

American's motion and brief are accompanied by an appendix containing the evidence upon which American relies. The brief contains cites to the appendix for each assertion made by American concerning the items contained in the appendix.

IV.
PRAYER

American respectfully requests that the Court grant its motion to strike Daniel J. Slottje as an expert in this case.

Respectfully submitted,



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CERTIFICATE OF SERVICE

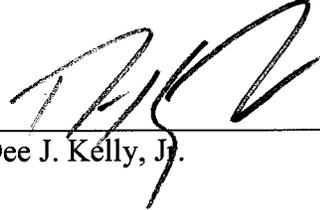
I certify that a true and correct copy of the foregoing was served on Defendants' counsel on the 6th day of November, 2009:

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CERTIFICATE OF CONFERENCE

I certify that counsel for American conferred with counsel for Defendants, but agreement as to the relief requested in this motion was not reached. Therefore, it is presented to the Court for determination.



Dee J. Kelly, Jr.