

ORIGINAL
CJ/EMT

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

2009 NOV 13 PM 2:58

CLERK OF COURT

AMERICAN AIRLINES, INC.,

Plaintiff,

-v.-

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

Defendants.

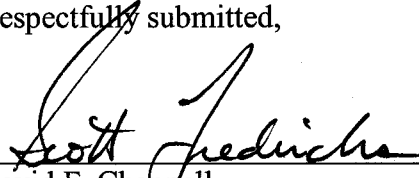
Case No. 4:08-CV-626-A

DEFENDANTS' NOTICE OF FILING ORIGINAL DECLARATION

A scanned copy of the declaration of Isabella Cunningham was included as Exhibit O in the Appendix In Support of Defendants' Objections and Motion to Strike American Airlines, Inc.'s Motion for Summary Judgment Evidence and Brief in Support, filed on November 12, 2009 (Defs' Mtn. Strike Appx. 126-127). Defendants stated in the Appendix cover at footnote 1 that they would file the original signature once it was received by Defendants' counsel in Fort Worth. Pursuant to that representation, attached as Exhibit O to this Notice is the declaration with the original signature of Isabella Cunningham.

Dated: November 13, 2009

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, as indicated below, on the 13th day of November 2009:

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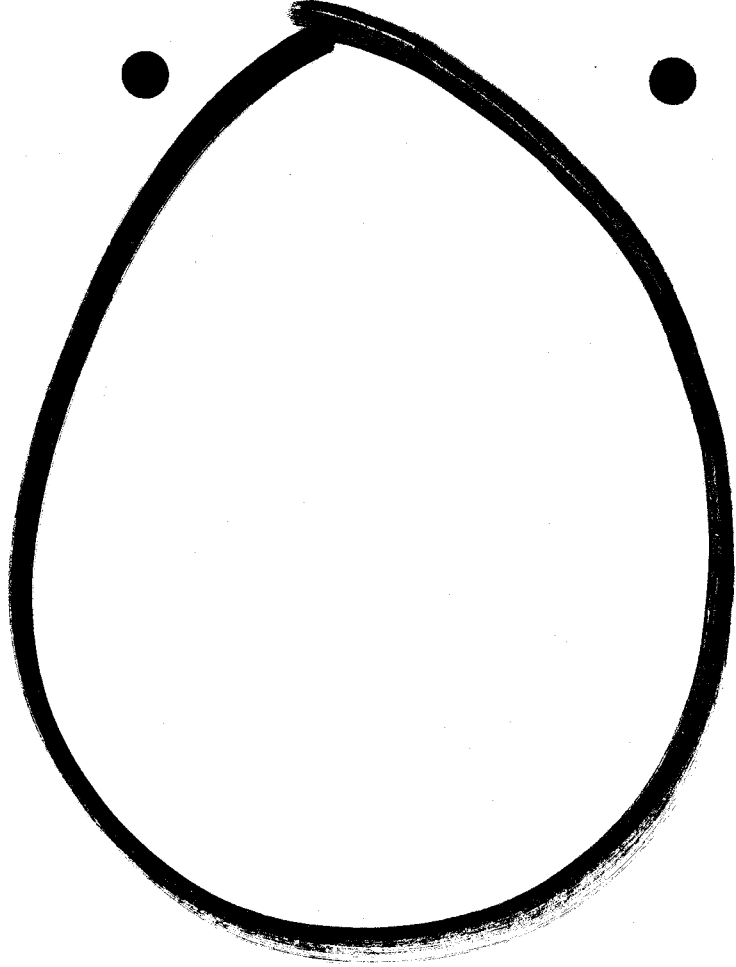
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FOR THE NORTHERN DISTRICT OF TEXAS
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AMERICAN AIRLINES, INC.;

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

Defendants.

Case No. 4:08-CV-626-A

**DECLARATION OF ISABELLA CUNNINGHAM IN SUPPORT OF
DEFENDANTS' OBJECTIONS AND MOTION TO STRIKE AMERICAN AIRLINES,
INC.'S SUMMARY JUDGMENT EVIDENCE**

I, Isabella Cunningham, declare as follows:

1. I am the chair of the Department of Advertising and Public Relations at The University of Texas at Austin and am also the Ernest A. Sharpe Centennial Professor in Communication at The University of Texas.

2. I make this declaration in support of Yahoo!'s Objections and Motion to Strike American Airlines, Inc.'s Summary Judgment Evidence. I have personal knowledge of the facts set forth herein, and if called upon to do so, I could and would competently testify thereto.

3. Morrison & Foerster, counsel for defendant Yahoo! Inc., provided me with a disc with Dr. Englis' raw data from the survey he performed. I am informed and believe that the disc provided to me is the disc American Airlines provided in this case in response to Yahoo!'s request for Dr. Englis' raw data.

4. In preparation for Dr. Basil Englis' deposition, a colleague and I extracted the data from this disc and compiled it in charts that I am informed and believe became Exhibits 8, 13, 14, 17, 23, and 26 to the Englis deposition.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 12th day of November, 2009.



Isabella Cunningham