

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  
2009 NOV 25 PM 2:02  
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' EXHIBIT LIST FOR  
NOVEMBER 30, 2009 HEARING**

In accordance with the Court's November 19, 2009 Order, Defendants Yahoo! Inc. and Overture Services, Inc. d/b/a Yahoo! Search Marketing (collectively, "Yahoo!") provide this Exhibit List for the November 30, 2009 hearing in this case. Other than the Exhibit listed below, Yahoo! does not anticipate using any other exhibits except as necessary to refresh a witness' testimony or to impeach a witness.

<u>Exh.</u>	<u>Description</u>	<u>Offered</u>	<u>Admitted</u>
D1	YAH-AA 0084908 to -927		
D2	YAH-AA 1019889 to -9902		
D3	YAH-AA 0433896 to -906		
D4	YAH-AA 04906087 to -89		
D5	YAH-AA 5224753 to -54		
D6	YAH-AA 4813223		

<u>Exh.</u>	<u>Description</u>	<u>Offered</u>	<u>Admitted</u>
D7	YAH-AA 4813242		
D8	YAH-AA 4813230		
D9	YAH-AA 4813214		
D10	YAH-AA 4813224		
D11	AA_ATD Summary Sheet.xlsx		
D12	Offers - Click Matching.xlsx		
D13	Opposition Appendix Ex. A - Declaration of Michael Jacobs in Support of Defendants' Opposition to Plaintiff American Airlines, Inc.'s Motion for Sanctions, dated October 12, 2009 (Defs' Opp App. 0005 to -78)		
D14	Opposition Appendix Ex. B - Declaration of Carmen Arenal in Support of Defendants' Opposition to Plaintiff American Airlines, Inc.'s Motion for Sanctions, dated October 12, 2009 (Defs' Opp App. 0079 to -89)		
D15	Opposition Appendix Ex. C - Declaration of Catherine Cameron in Support of Defendants' Opposition to Plaintiff American Airlines, Inc.'s Motion for Sanctions, dated October 12, 2009 (Defs' Opp App. 0090 to -99)		
D16	Opposition Appendix Ex. D - Excerpts from Deposition of Catherine Cameron, taken on May 29, 2009 (Defs' Opp App. 0100 to -16)		
D17	Opposition Appendix Ex. E - Notice of 30(b)(6) Deposition to Yahoo, dated May 7, 2009 (Defs' Opp App. 0117 to -24)		
D18	Opposition Appendix Ex. F - Plaintiff American Airlines, Inc.'s First Set of Special Interrogatories to Defendants Yahoo! Inc. and Overture Services, Inc., dated August 3, 2009 (Defs' Opp App. 0125 to -38)		

<u>Exh.</u>	<u>Description</u>	<u>Offered</u>	<u>Admitted</u>
D19	Opposition Appendix Ex. G - Plaintiff American Airlines, Inc.'s First Set of Requests for the Production of Documents from Defendants Yahoo! Inc. and Overture Services, Inc., dated February 23, 2009 (Defs' Opp App. 0139 to -64)		
D20	Opposition Appendix Ex. H - Plaintiff American Airlines, Inc.'s Third Set of Requests for the Production of Documents from Defendants Yahoo! Inc. and Overture Services, Inc., dated July 15, 2009 (Defs' Opp App. 0165 to -79)		
D21	Opposition Appendix Ex. I - June 15, 2009 letter from D. Muino to L. Berg (Defs' Opp App. 0180 to -218)		
D22	Opposition Appendix Ex. J - September 17, 2009 letter from D. Muino to S. Wiehle (Defs' Opp App. 0219 to -21)		
D23	Opposition Appendix Ex. K - July 29, 2009 letter from D. Muino to S. Wiehle (Defs' Opp App. 0222 to -35)		
D24	Opposition Appendix Ex. L - April 16, 2009 letter from D. Muino to F. Brown (Defs' Opp App. 0236 to -37)		
D25	Opposition Appendix Ex. M - May 18, 2009 letter from D. Muino to L. Berg (Defs' Opp App. 0238 to -68)		
D26	Opposition Appendix Ex. N - June 16, 2009 letter from D. Muino to F. Brown and J. Stavers (Defs' Opp App. 0269 to -73)		
D27	Opposition Appendix Ex. O - June 29, 2009 letter from D. Muino to F. Brown and J. Stavers (Defs' Opp App. 0274 to -75)		
D28	Opposition Appendix Ex. P - July 20, 2009 email from F. Brown to M. Jacobs (Defs' Opp App. 0276 to -80)		

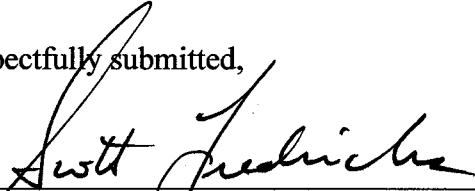
<u>Exh.</u>	<u>Description</u>	<u>Offered</u>	<u>Admitted</u>
D29	Opposition Appendix Ex. Q - August 20, 2009 letter from S. Wiehle to T. Rodriguez and D. Muino (Defs' Opp App. 0281 to -89)		
D30	Opposition Appendix Ex. R - Declaration of Daniel P. Muino in Support of Defendants' Opposition to Plaintiff American Airlines, Inc.'s Motion for Sanctions, dated October 12, 2009 (Defs' Opp App. 0290 to -91)		
D31	Opposition Appendix Ex. S - Plaintiff's First Supplemental Objections and Responses to Defendant Yahoo!, Inc.'s First Set of Interrogatories, dated August 13, 2009 (Defs' Opp App. 0292 to -328)		
D32	Opposition Appendix Ex. T - Expert Witness Report by Basil G. Englis, Ph.D., dated August 14, 2009 (Defs' Opp App. 0329 to -51)		
D33	Opposition Appendix Ex. U - Declaration of Daniel J. Slottje in Support of Defendants' Opposition to Plaintiff American Airlines, Inc.'s Motion for Sanctions, dated October 12, 2009 (Defs' Opp App. 0352 to -54)		
D34	Opposition Appendix Ex. V - Supplemental Declaration of Daniel J. Slottje in Support of Defendants' Sur-Reply in Opposition to Plaintiff's Motion for Sanctions, dated November 2, 2009 (Defs' Opp App. 0357 to -59)		
D35	Opposition Appendix Ex. W - Supplemental Declaration of Catherine Cameron in Support of Defendants' Sur-Reply in Opposition to Plaintiff's Motion for Sanctions, dated November 2, 2009 (Defs' Opp App. 0360 to -62)		
D36	Opposition Appendix Ex. X - Excerpts from Deposition of Catherine Cameron, taken on October 15, 2009 (Defs' Opp App. 0363 to -)		

<u>Exh.</u>	<u>Description</u>	<u>Offered</u>	<u>Admitted</u>
D37	Master Collection Matrix for <i>AA v. Yahoo</i> Litigation		
D38	Plaintiff's Response Brief in Opposition to Defendants' Motion to Compel, filed September 8, 2009		
D39	Response to the Court's November 16, 2009 Order, filed November 19, 2009		
D40	Expert Report of Daniel L. Jackson, dated August 17, 2009		
D41	Defendants' Motion to Compel and Appendix, filed November 16, 2009		
D42	Letter from D. Muino to S. Wiehle, dated September 17, 2009		
D43	Letter from B. Beard to F. Brown, dated October 25, 2009		
D44	AA Y-000732192 to -217		
D45	AA Y-000731726		
D46	AA Y-000731967		
D47	AA Y-000731842 to -60		
D48	AA Y-000731611 to -19		
D49	AA Y-000731627		
D50	AA Y-000731712		
D51	AA Y-000731730		
D52	AA Y-000736630		
D53	Letter from D. Muino to F. Brown, dated April 27, 2009		
D54	Deposition Exhibit 8 – List of Yahoo Custodians as of April 28, 2009		

<u>Exh.</u>	<u>Description</u>	<u>Offered</u>	<u>Admitted</u>
D55	Letter from B. Beard to D. Muino, dated November 8, 2009		

Dated: November 25, 2009

Respectfully submitted,




---

David F. Chappell  
Texas State Bar No. 04141000  
Scott A. Fredricks  
Texas State Bar No. 24012657  
CANTEY HANGER LLP  
Cantey Hanger Plaza  
600 West Sixth Street, Suite 300  
Fort Worth, Texas 76102  
Telephone: (817) 877-2800  
Fax: (817) 877-2807

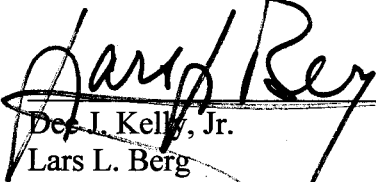
Michael A. Jacobs (*pro hac vice*)  
D. Anthony Rodriguez (*pro hac vice*)  
Alison M. Tucher (*pro hac vice*)  
Brooks M. Beard (*pro hac vice*)  
Lynn M. Humphreys (*pro hac vice*)  
Daniel P. Muino (*pro hac vice*)  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, CA 94105-2482  
Telephone: (415) 268-7000  
Fax: (415) 268-7522

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

**AMERICAN AIRLINES CERTIFICATION RE: ADMISSIBILITY**

Counsel for Plaintiff American Airlines, Inc. ("American") have reviewed the list of exhibits submitted by counsel for Defendants Yahoo! Inc. and Overture Services, Inc. d/b/a Yahoo! Search Marketing (collectively, "Yahoo"). For purposes of the November 30, 2009 hearing only, American has no objection to the admissibility of these exhibits with the exception of the specific documents listed below. American reserves all objections and rights as to these exhibits as to any other event in this case, including trial.

American objects to Yahoo's use of AAY-000732192 to -217; AAY-000731726; AAY-000731967; AAY-000731842 to -60; AAY-000731611 to -19; AAY-000731627; AAY-000731712; AAY-000731730; and AAY-000736630. These documents are not relevant to the November 30, 2009 hearing concerning Yahoo's discovery conduct. American's business practices are not currently before the Court. These are highly confidential documents, and American believes that Yahoo seeks to admit them for an improper purpose.

  
\_\_\_\_\_  
Dep. I. Kelly, Jr.  
Lars L. Berg  
Scott R. Wiehle  
Counsel for Plaintiff American Airlines, Inc.

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served on Plaintiff's counsel on the 25th day of November, 2009 as follows:

Dee J. Kelly  
Dee J. Kelly, Jr.  
Lars L. Berg  
KELLY HART & HALLMAN, LLP  
201 Main Street, Suite 2500  
Fort Worth, TX 76102

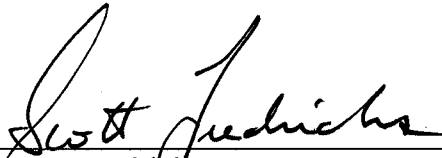
*Via Hand Delivery*

Frederick Brown  
George A. Nicoud III  
Jason Stavers  
GIBSON, DUNN & CRUTCHER LLP  
555 Mission Street, Suite 3000  
San Francisco, CA 94105

*Via FedEx*

Howard S. Hogan  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036

*Via FedEx*

  
\_\_\_\_\_  
Scott A. Fredricks