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

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
Fort Worth Division

2009 JAN -9 PM 1:40  
CLERK OF COURT

AMERICAN AIRLINES, INC.,

Plaintiff,

-v.-

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

Defendants.

No. 4:08-CV-626-A

**NOTICE OF ADDITIONAL EVIDENCE IN OPPOSITION TO YAHOO INC. AND  
OVERTURE SERVICES, INC.'S MOTION TO TRANSFER**

On December 22, 2008, Plaintiff American Airlines, Inc. ("American") filed its Opposition to Defendants Yahoo! Inc. and Overture Services, Inc.'s (together, "Yahoo") Motion to Transfer pursuant to FRCP 12(b)(3) and 28 U.S.C. § 1406 ("Motion").

After American filed its Opposition, Yahoo made informal inquiries of American's advertising agencies concerning agreements that would have covered advertisements placed by those agencies prior to the signing of the December 2007 Insertion Order. In response to those inquiries, American located additional evidence belonging to its advertising agency that is material to Yahoo's Motion and American's Opposition to the Motion. That evidence was provided to Yahoo's counsel. Exhibit 4 to the accompanying supplemental appendix is a true and correct copy of a typical e-mail from TM Advertising LP ("TM") to Yahoo and representative examples of the order forms that TM attached to such communications to place advertising on Yahoo's website from March 19, 2004 to Dec. 18, 2007. TM was the agency that placed Internet advertising for American before its account was moved to Reprise Media.

Each of these orders attach "Standard Terms and Conditions for Internet Advertising for Media Buys for One Year or Less" (the "Terms"). Provision XIV(d) of each set of Terms contains the following language:

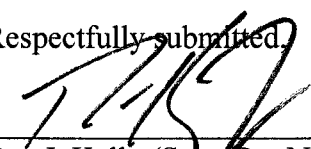
Media Company and Agency (on behalf of itself and not Advertiser) agree that any claims, legal proceeding or litigation arising in connection with the IO (including these Terms and Conditions) will be brought solely in the state in which Agency is located, and the parties consent to the jurisdiction of such courts.

See Ex. 4 (App. 53). For the purposes of these Terms, the "Media Company" is Yahoo, the "Agency" is TM, and the "Advertiser" is American. TM has a listed address of 6555 Sierra Drive, Irving, Texas. TM provided these Terms to Yahoo in the ordinary course of business when it placed advertisements with Yahoo, as shown by the email that is part of Exhibit 4. Exhibit 5 is a complete list of other TM orders that were found for the period between March 19, 2004, and December 18, 2007. Each of these orders contain the same Terms as those attached as Exhibit 4. Each of the orders listed has been provided to counsel for Yahoo.

American respectfully submits that Exhibits 4 and 5 are relevant to the motion currently pending before the Court, and further supports the arguments advanced by American at pages 5 and 9-12 of its Opposition.

Dated: January 9, 2009

Respectfully submitted,



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CERTIFICATE OF SERVICE

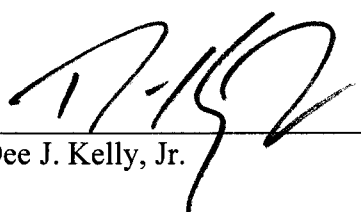
I certify that a true and correct copy of the foregoing was delivered on January 9, 2009 to Defendant's counsel, as follows, in accordance with the Federal Rules of Civil Procedure:

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