

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

HEARTBRAND BEEF, INC.,

Plaintiff,

V.

LOBEL'S OF NEW YORK, LLC,
WORLDWIDE MEDIA, INC.,
THOUGHT CONVERGENCE, INC.
AND YAHOO! INC.,

Defendants.

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CIVIL ACTION NO. 6:08-cv-00062

DEFENDANT YAHOO! INC.'S INITIAL DISCLOSURES

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendant Yahoo! Inc. ("Yahoo!") hereby makes the following Initial Disclosures. Yahoo! reserves the right to amend and supplement these initial disclosures as additional information becomes available.

(A) Individuals Likely To Have Discoverable Information That Yahoo! May Use To Support Its Claims or Defenses

Hui Tam, Director of Domain Channel Account Management, has information concerning the factual allegations contained in Plaintiff's Amended Complaint. This information includes the nature of sponsored listings on the web site akaushisteaks.com to the extent Yahoo! has any information at all on this matter, revenue related to the sponsored listings on the web site akaushisteaks.com, Yahoo!'s business relationships with Defendant Thought Convergence, Inc. as that relationship relates to the sponsored listings on the web site akaushisteaks.com.

(B) Documents, Data Compilations, Electronically Stored Information and Tangible Things Yahoo! May Use To Support Its Claims or Defenses

Documents, data compilations, electronically stored information and tangible things that Yahoo! may use to support its claims or defenses include the following:

Materials relating to the factual allegations contained in Plaintiff's Amended Complaint and Defendant Yahoo!'s brief in support of its motion to dismiss (located in Yahoo!'s files at Yahoo!'s place of business). Such materials relate to matters including, for example, facts concerning the nature of sponsored listings on the web site akaushisteaks.com, revenue related to the sponsored listings on the web site akaushisteaks.com, Yahoo!'s business relationship with Defendant Thought Convergence, Inc. as that relationship relates to the sponsored listings on the web site akaushisteaks.com.

Yahoo! may also use documents and materials obtained from Heartbrand Beef, Inc. in discovery. Yahoo! reserves the right to supplement this disclosure as additional information becomes available.

(C) Computation of Damages


Yahoo! does not believe that Plaintiff is entitled to any monetary recovery in this case. Pursuant to 15 U.S.C. § 1117(a), Yahoo! seeks its attorney's fees and costs incurred in defending this action.

(D) Insurance or Indemnity Agreement

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(D), Yahoo! will make any such agreement available for inspection and copying at a time and place as agreed to by the parties.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT
YAHOO! INC.

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of October, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

<p><i>Counsel for Plaintiff:</i> Mr. Ted D. Lee Gunn & Lee, P.C. 700 North St. Mary's Street, Suite 1500 San Antonio, Texas 78205</p>	<p><i>Counsel for Defendant</i> <i>Lobel's of New York, LLC:</i> Mr. Gregg S. Baker Corrigan & Baker, LLC 1311 Mamaroneck Avenue, Suite 215 White Plains, New York 10605</p>
<p><i>Counsel for Defendant</i> <i>Thought Convergence, Inc.:</i> Mr. George A. Yuhas Orrick, Herrington & Sutcliffe LLP The Orrick Building 405 Howard Street San Francisco, California 94015</p>	<p><i>Counsel for Defendant</i> <i>World Wide Media, Inc.:</i> Mr. C. David Kinder Mr. Dan Harkins Cox Smith Matthews Incorporated 112 East Pecan Street, Suite 1800 San Antonio, Texas 78205</p>



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