

# EXHIBIT C

LAW OFFICES  
**KEKER & VAN NEST**  
LLP

710 SANSOME STREET  
SAN FRANCISCO, CA 94111-1704  
TELEPHONE (415) 391-5400  
FAX (415) 397-7188  
WWW.KVN.COM

EUGENE M. PAIGE  
EPAIGE@KVN.COM

December 6, 2006

**VIA FACSIMILE**

William J. O'Brien, Esq.  
Alschuler Grossman Stein & Kahan LLP  
1620 26th Street, 4th Floor, North Tower  
Santa Monica, CA 90404-4060

Re: *Netflix, Inc. v. Blockbuster, Inc.*, Case No. C-06-2361 WHA

Dear Bill:

I write to follow up on several discovery issues.

**Blockbuster's Response to Request Nos. 26 and 27.** As you will recall, when the parties held their in-person meet-and-confer session on November 15, Blockbuster said that it would provide Netflix with a statement of the documents that it was willing to produce in response to Netflix's Request for Production Nos. 26 and 27. So that we may have a productive meet-and-confer session this Friday, please provide us prior to the meet-and-confer with Blockbuster's statement of what it is willing to produce in response to those requests.

**Blockbuster's Revised Document Responses.** Also at that session, Blockbuster represented that it was in the process of preparing an amended set of document request responses that would forego the reliance of the previous set on document "sufficient to reasonably describe" certain categories of documents. My notes reflect that your client was looking at the revised responses and they would be forthcoming shortly. Please provide a copy of those amended responses in advance of the meet-and-confer so that we may have a productive discussion of Blockbuster's amended responses.

**Paragraph 14 of Judge Alsup's Supplemental CMC Order.** Paragraph 14 of Judge Alsup's Supplemental Order (filed on May 2, 2006) requires that a party must, at the time of making production, include a statement "setting forth in detail each specific source and location searched," as well as "identify[ing], by name and position, all persons conducting the search and their areas of search responsibility." Though Blockbuster made its initial production of documents to Netflix last week, it did not include the required statement along with its production. Please provide Netflix with the required statement immediately.

William J. O'Brien, Esq.  
December 6, 2006  
Page 2

**Privilege Log.** Blockbuster has indicated that it is withholding documents on grounds of privilege in response to many of Netflix's document requests, but Blockbuster has not yet provided Netflix with a log of the documents so withheld. Please provide Netflix with a privilege log setting forth the information required to evaluate any claim of privilege that Blockbuster makes promptly.

Thank you for your attention to these matters, and please do not hesitate to contact me should you wish to discuss them further.

Sincerely,

A handwritten signature in black ink, appearing to be 'E M Paige', written in a cursive style.

Eugene M. Paige