

# **EXHIBIT D**

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**VIA FEDERAL EXPRESS**

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:

Pursuant to the agreement between the parties reached on December 8, 2006, enclosed for service is a copy of Netflix's Second Supplemental Amended Response to Blockbuster's First Set of Interrogatories. As the parties also agreed that Blockbuster would amend its Preliminary Invalidity Contentions by today, I will look forward to receiving Blockbuster's amended Preliminary Invalidity Contentions shortly.

In addition, Blockbuster indicated at our meet-and-confer of December 8 that it would provide us with the information required to be disclosed under Paragraph 14 of Judge Alsup's Supplemental CMC Order, but as of today Netflix has not received that information. Please forward the required information 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,



Eugene M. Paige

Enclosure