

EXHIBIT C

Message

Tosh Lane, Tracy

From: Peter Chu [peter.chu@cojk.com]
Sent: Wednesday, January 28, 2009 8:25 AM
To: Tosh Lane, Tracy
Cc: Berta, Michael; DiBoise, Jamie
Subject: RE: NICO-6-3094

Tracy, We probably have said enough on this subject matter. Thank you.

Peter Chu
Christensen O'Connor Johnson Kindness PLLC
206.695.1636

-----Original Message-----

From: Tosh Lane, Tracy [mailto:TTosh@wsgr.com]
Sent: Tuesday, January 27, 2009 6:52 PM
To: Peter Chu
Cc: Berta, Michael; DiBoise, Jamie
Subject: RE: NICO-6-3094

Peter,

What in my letter suggests that information should be destroyed? It expressly requests that any retained RealNetworks information be returned to RealNetworks. To be abundantly clear, Ms. Hamilton should not destroy any RealNetworks information.

Tracy

From: Peter Chu [peter.chu@cojk.com]
Sent: Tuesday, January 27, 2009 5:52 PM
To: Tosh Lane, Tracy
Cc: Berta, Michael; DiBoise, Jamie
Subject: RE: NICO-6-3094

Hi Tracy, I can confirm that, prior to the letter received today, you have never suggested destruction of any Real information. Thank you.

Peter Chu
Christensen O'Connor Johnson Kindness PLLC
206.695.1636

-----Original Message-----

From: Tosh Lane, Tracy [mailto:TTosh@wsgr.com]
Sent: Tuesday, January 27, 2009 5:23 PM
To: Peter Chu
Cc: Berta, Michael; DiBoise, Jamie
Subject: RE: NICO-6-3094

Peter,

I am considering your letter and will get back to you. One thing that I must address immediately, however, is your assertion that I requested that Ms. Hamilton "destroy any 'Real Information' whether or not such information is responsive to a discovery request." I have never requested that Ms. Hamilton destroy any Real information. I can only assume you are referring to my letter of today where I asked you to confirm that Ms. Hamilton does not continue to retain any Real information -- and if she does continue to possess Real information, to return all copies of such information to Real. Nothing in this letter suggests that information should be destroyed, and I would appreciate your confirmation that I have never at any time suggested that you or Ms. Hamilton destroy any Real information.

To be clear, my request for you to confirm that Ms. Hamilton did not continue to retain Real information -- regardless of whether it is responsive to the subpoena -- was directed to whether Ms. Hamilton possessed additional Real information that was not "produced" as part of your response to the subpoenas. I believe your letter today confirms that she has no additional

2/24/2009

information.

Thank you.

Tracy

From: Peter Chu [peter.chu@cojk.com]
Sent: Tuesday, January 27, 2009 4:53 PM
To: Tosh Lane, Tracy
Cc: Berta, Michael
Subject: NICO-6-3094

Hi Tracy, Please see the enclosed. Thank you.
Peter Chu
Christensen O'Connor Johnson Kindness PLLC
206.695.1636

<<3094L6.pdf>> <<3094 Enclosure - COJK Letter 1-22-2009.pdf>>

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.