

EXHIBIT 5

Norton, Leo

From: Norton, Leo
Sent: Tuesday, September 02, 2008 2:31 PM
To: 'rschubert@schubertlawfirm.com'; 'KKralowec@schubertlawfirm.com'; 'guido@saveri.com'; 'rick@saveri.com'; 'cadio@saveri.com'; 'terry@gba-law.com'; 'adam@gba-law.com'; 'monique@gba-law.com'; 'eriksyverson@gmail.com'; 'bsk@kbklawyers.com'; 'rlk@kbklawyers.com'; 'at@kbklawyers.com'; 'wjonckheer@schubertlawfirm.com'
Cc: Rhodes, Michael; Willsey, Peter; 'ddurie@kvn.com'
Subject: RE: Google AdWords N.D. Cal. Cases - Letter from Cooley to Plaintiffs' Counsel

We only received a response from Cadio Zirpoli (counsel in the Pulaski & Middleman case). The Pulaski & Middleman plaintiff's position is that the three N.D. Cal. parked domain and error pages cases are related to each other, but not to the Almeida case, and therefore, they should be related before Judge Ware (judge in the Levitte case). Having received no response from the other plaintiffs, we will make our motion to relate all four N.D. Cal. AdWords cases before Judge Whyte in the Almeida case. My understanding from Cadio Zirpoli is that he may make a motion before Judge Ware in the Levitte case to relate only the parked domain and error pages cases. We do not believe such a motion is necessary because under Local Rule 3-12(f)(2), if Judge Whyte denies our motion to relate the cases, Judge Ware, as having the next numbered case, would be presented with an order to relate all the later-filed cases (here, the three parked domain and error pages cases). Google agrees that the cases should be related in such a circumstance, if Judge Whyte finds that the cases are not related to Almeida, but we contend that Almeida is related.

Regarding coordinating and extending Google's time to answer or otherwise respond to September 30, we again have only heard from the Pulaski & Middleman plaintiff, who agreed to extend our time to September 30. Will the Levitte and RK West plaintiffs please respond regarding the coordination and extension today? Otherwise, we will also make a motion in those cases for an extension of time.

Sincerely,

Leo P. Norton
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San Diego, CA 92121-1909
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-----Original Message-----

From: Norton, Leo
Sent: Tuesday, September 02, 2008 8:11 AM
To: 'rschubert@schubertlawfirm.com'; 'KKralowec@schubertlawfirm.com'; 'guido@saveri.com'; 'rick@saveri.com'; 'cadio@saveri.com'; 'terry@gba-law.com'; 'adam@gba-law.com'; 'monique@gba-law.com'; 'eriksyverson@gmail.com'; 'bsk@kbklawyers.com'; 'rlk@kbklawyers.com'; 'at@kbklawyers.com'; 'wjonckheer@schubertlawfirm.com'
Cc: Rhodes, Michael; Willsey, Peter; 'ddurie@kvn.com'
Subject: Re: Google AdWords N.D. Cal. Cases - Letter from Cooley to Plaintiffs' Counsel

We did not receive a response on Thursday as stated in the email below, and it has been over a week since we sent our letter. If we do not receive a response by noon today, we will file the administrative motion to relate the N.D. Cal. cases today, and advise the court (as we are required to do under the local rules) that we attempted to reach a stipulation with plaintiffs regarding relating the cases, but plaintiffs failed to respond.

Please also advise whether plaintiffs agree to coordinating and extending Google's deadline to respond to September 30.

Sincerely,

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

From: Robert C. Schubert
To: Leo Norton
To: Kimberly A. Kralowec
To: guido@saveri.com
To: rick@saveri.com
To: cadio@saveri.com
To: terry@gba-law.com
To: adam@gba-law.com
To: monique@gba-law.com
To: eriksyverson@gmail.com
To: bsk@kbklawyers.com
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To: at@kbklawyers.com
To: Willem F. Jonckheer
Cc: Michael Rhodes
Cc: Willsey, Peter
Cc: ddurie@kvn.com
Sent: Aug 26, 2008 1:00 PM
Subject: RE: Google AdWords N.D. Cal. Cases - Letter from Cooley to Plaintiffs' Counsel

The attorneys in the CA cases will be discussing the issues you raise and expect to get back to you by Thursday at the latest.

From: Norton, Leo [mailto:lnorton@cooley.com]
Sent: Tuesday, August 26, 2008 12:19 PM
To: Kimberly A. Kralowec; guido@saveri.com; rick@saveri.com; cadio@saveri.com; terry@gba-law.com; adam@gba-law.com; monique@gba-law.com; eriksyverson@gmail.com; bsk@kbklawyers.com; rlk@kbklawyers.com; at@kbklawyers.com; Robert C. Schubert; Willem F. Jonckheer
Cc: Rhodes, Michael; Willsey, Peter; ddurie@kvn.com
Subject: RE: Google AdWords N.D. Cal. Cases - Letter from Cooley to Plaintiffs' Counsel

Ms. Kralowec:

Thank you for your prompt response. We are fine with September 3 for plaintiffs' response to our letter regarding relating the cases.

As for coordinating Google's response deadline and requested extension of time, we request that all plaintiffs' agree to coordinate and extend Google's response to September 30. Although we appreciate you agreeing to a further extension of time in your case (the Levitte case) until September 10, such an extension does not result in a coordinated response deadline. The deadline to respond in the Pulaski case is September 4. Additionally, Google was recently served with another AdWords parked domain and error page websites putative class action. That case is pending in the N.D. Ill., and has a mid-September response date. We are attempting to get plaintiff in that action to voluntarily dismiss

-----Original Message Truncated-----

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