

EXHIBIT 3

From: Leo J. Presiado [mailto:LPresiado@rusmiliband.com]
Sent: Thursday, January 14, 2010 11:38 AM
To: Kennedy, Colleen; Seyamack Kouretchian; foreman@freelandlaw.com; pkellymc@pacbell.net; Ross Campbell
Subject: RE: eBay v. DPS, et al. - Order

Colleen,

I am heading out of town and won't be back until Tuesday, but wanted to provide a response to your email. We have not yet had a chance to evaluate and determine what would constitute an adequate time period within which to prepare the subject responses and otherwise comply with the order. Please give me a call on Tuesday if you would like to discuss the matter further.

Best regards,
Leo

Leo J. Presiado, Esq.
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Thank you.

From: Kennedy, Colleen [mailto:CKennedy@OMM.com]
Sent: Wednesday, January 13, 2010 9:57 AM
To: Seyamack Kouretchian; Leo J. Presiado; 'foreman@freelandlaw.com'; 'pkellymc@pacbell.net'; Ross Campbell
Cc: Eberhart, David; Bunzel, Sharon M.
Subject: eBay v. DPS, et al. - Order

Counsel,

In light of the order issued by Judge Fogel yesterday, please advise when you will provide the various types of discovery sought in eBay's motions to compel. The expected production dates are necessary in order to provide the court with an accurate timeline for completion of discovery, which is required for the update to the Joint Case Management Conference Statement to be filed on Friday. We expect that defendants will act promptly to comply with the court's

order. In particular, the documents previously provided to Mr. Presiado by Rackspace require no further review or processing and should be produced to eBay immediately.

Best regards,
Colleen

Colleen Kennedy

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