

EXHIBIT 10



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February 10, 2010

VIA FACSIMILE AND MAIL

Leo J. Presiado
Rus, Miliband & Smith
2211 Michelson Dr., 7th Floor
Irvine, California 92612

OUR FILE NUMBER
234,948-0007

WRITER'S DIRECT DIAL
(415) 984-8826

WRITER'S E-MAIL ADDRESS
ckennedy@omm.com

Re: *eBay Inc. v. Digital Point Solutions, Inc., et al., Case No. CV-08-4052*
JF

Dear Leo:

I write in response to your letter of today's date. Nothing in your letter suggests any agreement, or any discussion of an agreement, that would accord your clients any additional time to comply with Judge Fogel's January 12 order—whether the four weeks you claim was discussed or the two months you now purport to grant yourself. Nor did any such discussion or agreement occur.

First, Mr. Campbell had already committed on January 14 that his clients would comply with the order within three weeks of that date. Mr. Eberhart's discussion with Mr. Campbell concerned the possibility that Mr. Campbell's clients would require an additional week to comply; but Mr. Campbell did not ask for that additional week, and eBay did not agree to that additional week. More importantly, the time for the compliance of your clients (or Mr. Foreman's clients or Mr. McClellan's client) was never part of the discussion. Second, even assuming arguendo that your clients were the subject of that discussion, any extension of compliance would run from January 14, not from the January 29 hearing.

If you intend to take the position with the court that you believe you have an eight-week extension to comply with an order based on a conversation you overheard with counsel who represents other clients and who claims he will respond weeks before you now intend to, we look forward to that hearing.

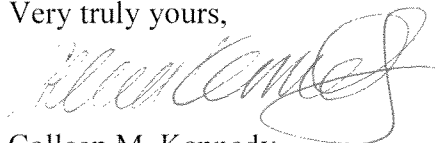
We have been attempting to determine a timeframe for your clients' compliance with the order since it was issued, nearly one month ago. Your request that we meet and confer on Friday is a transparent attempt to grant your clients yet another unilateral extension. In response to your

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invitation to pick up the phone, I have called you three times today in an attempt to either meet and confer or to set an imminent time for doing so. On each occasion, your receptionist has informed me that you are on another call. I have also left multiple messages for you today, but you have not returned any of my calls. We cannot wait until Friday to discuss this issue. Accordingly, please provide me with a time this evening or tomorrow when you can be available to meet and confer.

Very truly yours,

A handwritten signature in black ink, appearing to read "Colleen M. Kennedy". The signature is fluid and cursive, with a large loop at the end.

Colleen M. Kennedy
for O'MELVENY & MYERS LLP

cc: David R. Eberhart, Esq.
Sharon M. Bunzel, Esq.