

# EXHIBIT D

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WRITER'S INTERNET ADDRESS  
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April 21, 2010

Andrew Bridges, Esq.  
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Re: Interserve, Inc. et al. v. Fusion Garage PTE Ltd., No. 09-5812: Request to De-Designate Transcript of TechCrunch 30(b)(6) Deposition

Dear Andrew:

Regarding your letter of this afternoon, Section 5.2(b) of the Stipulated Protective Order states:

*When it is impractical to identify separately each portion of testimony that is entitled to protection, and when it appears that substantial portions of the testimony may qualify for protection, the Party or non-party that sponsors, offers, or gives the testimony may invoke on the record (before the deposition or proceeding is concluded) a right to have up to 20 days to identify the specific portions of the testimony as to which protection is sought. (emphasis added).*

Here, it is not “impractical” to identify the portions of testimony allegedly entitled to protection, since my recollection is that during the deposition, you expressed confidentiality concerns only with respect to testimony regarding two discrete topics: TechCrunch’s revenues and TechCrunch’s relationship with a third-party. Because it is not impractical for TechCrunch to identify and assert confidentiality over these two discrete topics, the 20-day language from Section 5.2(b) is inapplicable. If TechCrunch wishes to assert confidentiality over these two discrete topics, it should immediately do so – and should simultaneously de-designate the remainder of the transcript. Moreover, given that the parties discussed the issue of confidentiality during the deposition yesterday, Section 6.2’s requirement for a “voice-to-voice dialogue” before challenging confidentiality designations has already been satisfied.

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Finally, our understanding is that your client, Mr. Arrington, may wish to attend the deposition of Mr. Rathakrishnan of Fusion Garage. We do not understand how Mr. Arrington can attend this deposition if Plaintiffs' position is that the parties can provisionally shield entire depositions as Highly Confidential-Attorney's Eyes Only.

We respectfully request that you de-designate yesterday's deposition transcript.

Very truly yours,

Patrick C. Doolittle

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