EXHIBIT A

THIS EXHIBIT HAS BEEN REDACTED IN ITS ENTIRETY

EXHIBIT B

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EXHIBIT C

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January 28, 2011

VIA EMAIL

Jennifer Bennett
SNR Denton LLP
1530 Page Mill Road
Suite 200
Palo Alto, CA 94304-1125

Re: *Personalized User Model LLP v. Google Inc.*, C.A. No. 09-00525-LPS

Dear Jennifer:

I write to follow up on yesterday's telephonic meet and confer.

PUM's Notice of Inspection

PUM claims it needs the requested inspection because the produced source code files reference "include files," that you asserted on the call have not been produced. However, this is the first we've heard of your need for further "include files." As we indicated on the call, to the extent that PUM believes it needs further code made available for inspection, then PUM should detail those requests to us and we can deal with those requests as we have previously. PUM's attempt to end-run around the agreed process for source code in the Protective Order is improper. Indeed, PUM's complaint really seems to be that source code calls other source code and thus PUM needs access to all of Google's source code. Source code is by nature interrelated so by your logic an on-site inspection would be required in any case involving any component of software systems. Obviously that is not appropriate, as PUM recognized when agreeing to the procedures in the Protective Order in the first place. PUM's attempt to walk away from these agreed procedures near the end of discovery and after Google has gone to great time and expense complying with the agreed procedures is inappropriate.

PUM's Rule 30(b)(6) Topics

We confirmed that Google will produce witness(es) to testify on topics 1, 2, and 7, in the manner set forth in our January 25 letter. PUM indicated it will respond to that letter to provide clarification regarding what PUM is looking for so that Google may prepare its witness(es) accordingly. We will consult with our client regarding whether one of our deponents can testify generally about topic 5. As we have indicated before, we don't believe this topic is relevant in the bifurcated case. However, the person who we designate would likely have a general understanding of marketing of at least some aspects of what we understand to be accused in this case, which may ultimately be sufficient for whatever it is that PUM is looking for as to this topic. Here too, further detail as to what PUM is looking for would be useful.

As to topics 3, 4, 6, 8, and 9, Google will not provide witnesses to testify on these topics as drafted for the reasons set forth in Google's prior correspondence.

We also indicated that topic 3 is nonsensical as drafted since it seeks a singular Google "methodology" for choosing to launch new products in all of Google's disparate product offerings. PUM indicated that it would explain in writing more specifically what it is looking for.

As to topic 4, PUM first indicated that it needs to know why Google acquired Kaltix. As we've previously explained, that is not relevant. PUM then indicated that it wants to know about previous personalization attempts at Google. But, we indicated that PUM already had the opportunity to depose the appropriate 30(b)(6) witnesses about that, and, in any event this is very different than what topic 4 actually says.

As to topic 6, we indicated that we do not believe PUM has established any nexus between Google's success and the patents-in-suit. As *W.R. Grace & Co.-Conn. v. Intercat, Inc.*, 7 F. Supp. 2d 425, 465 (D.Del. 1997) demonstrates, the commercial success of Google's products is only relevant to obviousness to the extent there is a demonstrated nexus between that commercial success and the patented invention. *Id.* at 465. During yesterday's call, PUM tried to distinguish this case on the ground that it addressed issues at trial, not in discovery. But, it was PUM that initially cited this case to justify topic 6. In any event, PUM has never articulated any reasonable theory behind such a nexus that would warrant discovery beyond bare conclusions.

Teles AG Informationtechnologien v. Quinum Technologies, 2009 U.S. Dist. LEXIS 103790 (D. Del. 2009), cited by PUM during yesterday's call, similarly makes clear that PUM is not entitled to the broad financial discovery covered by topic 6. In *Teles*, the court limited the discovery to the specific accused functionality: "i.e. the identified Cisco routers, as configured in a certain way and as equipped with certain software as identified in Teles' infringement contentions." *Id.* at *10. Plaintiff was not entitled to discovery on all Cisco routers for all time, but to discovery on these specific routers for a specific period of time. *Id.* at *11-12. In contrast, PUM's topic 6 seeks testimony on "[t]he commercial success of Google's personalization of search advertising, news, and/or other services." This is far broader than what was allowed in *Teles*, or could be cognizably relevant here. The patents-in-suit do not claim "personalization" generally, but specific methods of achieving personalization. Google is willing to work with PUM to try to reach agreement on this topic, but as drafted and as PUM's own authority shows, topic 6 is

improper. At a minimum, PUM needs to point to a specific functionality or functionalities (for which there must be some cognizable basis to accuse of infringement) for which it seeks information regarding commercial success to those functionalities.

As to topics 8 and 9, we reiterated that these topics seek willfulness discovery and/or privileged information. PUM suggested that there were many cases showing these topics would be relevant. We requested you provide them to us if you able to locate them.

Finally, as to topic 10, PUM indicated that we can table this issue for now.

We asked PUM about the time frame it would like us to try to schedule the deponents we agree to produce and PUM indicated that it would get back to us on that.

SRI Deposition

Google offered February 7 for the date of PUM's 30(b)(6) deposition of Google regarding its agreement with SRI. PUM will get back to us on this date.

Google's Rule 30(b)(6) Topics

PUM indicated that it would provide written objections to Google's 30(b)(6) topics "shortly." Given that Mr. Gal's deposition is scheduled for February 10, we would appreciate any such objections by early next week so that the parties have time to meet and confer to resolve any potential disputes before that deposition.

Gmail accounts

In response to our January 25 letter regarding PUM's request for discovery on specific, private Google accounts, PUM indicated that it is collecting information to provide in response to our letter shortly.

Glen Jeh Deposition

We indicated, to the extent PUM insists on deposing him, we will accept service of a subpoena on Mr. Jeh's behalf. You indicated you would get back to us on preferred timing.

Very truly yours,

/s/

Andrea Pallios Roberts

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EXHIBIT F

DEFAULT STANDARD FOR ACCESS TO SOURCE CODE

Absent agreement among the parties, the following procedures shall apply to ensure secure access to source code:

1. A single electronic copy of source code or executable code shall be made available for inspection on a stand-alone computer.

2. The stand-alone computer shall be password protected and supplied by the source code provider.

3. The stand-alone computer shall be located with an independent escrow agent, with the costs of such to be shared by the parties. If the parties cannot agree on such an agent, each party shall submit to the court the name and qualifications of their proposed agents for the court to choose.

4. Access to the stand-alone computer shall be permitted, after notice to the provider and an opportunity to object, to two (2) outside counsel representing the requesting party and two (2) experts retained by the requesting party, all of whom have been approved under the protective order in place. No one from the provider shall have further access to the computer during the remainder of discovery.

5. Source code may not be printed or copied without the agreement of the producing party or further order of the court.

6. The source code provider shall provide a manifest of the contents of the stand-alone computer. This manifest, which will be supplied in both printed and electronic form, will list the name, location, and MD5 checksum of every source and executable file escrowed on the computer.

7. The stand-alone computer shall include software utilities which will allow counsel and experts to view, search, and analyze the source code. At a minimum, these utilities should provide the ability to (a) view, search, and line-number any source file, (b) search for a given pattern of text through a number of files, (c) compare two files and display their differences, and (d) compute the MD5 checksum of a file.

8. If the court determines that the issue of missing files needs to be addressed, the source code provider will include on the stand-alone computer the build scripts, compilers, assemblers, and other utilities necessary to rebuild the application from source code, along with instructions for their use.