

EXHIBIT A
FULLY REDACTED

Exhibit B

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January 19, 2011

VIA EMAIL

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

Marc Friedman
Mark C. Nelson
SNR Denton LLP
1221 Avenue of the Americas
New York, NY 10020-1089

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

Dear Counsel:

As indicated in the agreement being transmitted with this letter, Google has acquired SRI International's ownership rights in the patents-in-suit, as well as U.S. Patent 7,320,031.

Google seeks to amend its Answer to bring a counterclaim for a declaratory judgment against Personalized User Model LLP, a claim for breach of contract against Yochai Konig, and any other claims that may be necessary and appropriate to assert and give full effect to Google's ownership rights in these patents.

Please let us know by Friday if Plaintiff will consent to Google amending its Answer to assert these claims. As you represent Mr. Konig, and as he is a representative of PUM as indicated at the claim construction hearing, please also let us know by Friday if Mr. Konig will consent to

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being subject to personal jurisdiction in Delaware for purposes of this action. If Mr. Konig will not so consent, Google will move to dismiss for failure to join an indispensable party, and/or file an action against Mr. Konig in California and move to stay this case.

Please let me know if you have any questions.

Sincerely,

/s/

Eugene Novikov

EXHIBIT C
FULLY REDACTED

EXHIBIT D
FULLY REDACTED

EXHIBIT E
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Exhibit F

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10 Attorneys for third-party SRI International
11 (“SRI”)
12

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
15

16 PERSONALIZED USER MODEL, LLP,
17 Plaintiff,
18 vs.
19 GOOGLE, INC.,
20 Defendant.
21

CASE NO. 1:09-cv-525 (LPS)
(pending in the U.S. District Court for the
District of Delaware)

**SRI’S OBJECTIONS AND RESPONSES
TO PUM’S SUBPOENA FOR
PRODUCTION OF DOCUMENTS**

22
23 Pursuant to Rule 45 of the Federal Rules of Civil Procedure, third-party SRI International
24 (“SRI”) hereby responds to Plaintiff Personalized User Model LLP’s (“PUM”) Subpoena to
25 Produce Documents.
26

GENERAL OBJECTIONS

1 The following objections apply to each document request in PUM's Subpoena to Produce
2 Documents, whether or not stated separately in response to each particular document request.

3 1. SRI objects to the definition of "SRI" as overly broad and unduly burdensome to
4 the extent it includes SRI's "officers, directors, current and former employees, counsel, agents,
5 consultants, representatives, and any other persons acting on behalf of any of the foregoing" as
6 well as SRI's "affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns,
7 predecessors and successors in interest, and any other legal entities . . . owned or controlled" by
8 SRI.

9 2. SRI objects to each document request to the extent that it is vague, ambiguous,
10 overly broad, oppressive, unduly burdensome, harassing, compound, fails to identify the
11 documents sought with reasonable particularity, and seeks information that is neither relevant nor
12 reasonably calculated to lead to the discovery of admissible evidence.

13 3. SRI objects to each and every request for production to the extent it is overly broad,
14 unduly burdensome or oppressive, particularly to the extent they ask SRI, a third-party, to search
15 for documents relating to huge projects.

16 4. SRI objects to each and every request for production to the extent it is vague,
17 ambiguous, and unintelligible.

18 5. SRI objects to each and every request for production to the extent it calls for
19 documents that are neither relevant to the subject matter of this action nor reasonably calculated to
20 lead to the discovery of admissible evidence.

21 6. SRI objects to each document request to the extent that it requests documents and
22 information protected from disclosure by the attorney-client privilege, attorney work product
23 doctrine, or any other applicable privilege or protection as provided by law. SRI will not produce
24 such privileged or protected documents, and any inadvertent production or disclosure of any
25 privileged or protected documents shall not be deemed a waiver of any privileged. Any such
26 inadvertently disclosed documents or things shall be returned promptly to SRI upon notification to
27 PUM, and shall not be copied, used, or referred to in any way by PUM for any purpose.

28

1 7. SRI objects to each document request to the extent that it requests documents that
2 are not within its possession, custody or control. In making objections to any and all requests, SRI
3 does not indicate that responsive documents exist within the ownership, possession, custody or
4 control of SRI.

5 8. SRI objects to each document request to the extent that it seeks the confidential,
6 proprietary and/or trade secret information of third parties, and to the extent it seeks information
7 that SRI is not permitted to disclose without prior authorization from the United States
8 government.

9 9. SRI objects to each and every request for production to the extent they call for legal
10 conclusions in order to provide a response and/or produce documents.

11 10. SRI objects to each document request to the extent that it seeks documents
12 protected from disclosure by the constitutional and/or statutory privacy rights of third persons.

13 11. SRI objects to each document request to the extent that it seeks to impose any
14 requirement or discovery obligation greater or different than those imposed by the Federal Rules
15 of Civil Procedure.

16 12. SRI objects to each document request to the extent that it seeks proprietary, trade
17 secret or other confidential or competitively sensitive materials. Subject to Local Rule 26.2, SRI
18 will only produce such relevant, non-privileged materials subject to adequate protections for SRI's
19 confidential, trade secret and/or proprietary business or technical documents information pursuant
20 to the protective order entered by the United States District Court for the District of Delaware in
21 *Personalized User Model LLC v. Google Inc.*

22 13. Any response provided herein that states that documents will be produced is to be
23 construed as referring only to responsive documents that are not otherwise subject to the general
24 objections or any specific objection noted below. Moreover, such statement is not a representation
25 that any such documents exist, but only that a reasonably diligent search will take place and if that
26 search discovers responsive, non-privileged documents, SRI will produce such documents.

27
28

1 14. The fact that SRI produces documents pursuant to these requests is in no way to be
2 construed as a concession by SRI that any document is relevant to, or admissible in, any
3 proceeding related to this action.

4 **SPECIFIC OBJECTIONS AND RESPONSES**

5 Without limiting its General Objections in any way, SRI makes specific objections to
6 PUM's Subpoena to Produce Documents as follows:

7 **DOCUMENTS TO BE PRODUCED**

8 **REQUEST FOR PRODUCTION NO. 1:**

9 All documents reflecting work performed by SRI prior to August 8, 1999 that relates to
10 providing personalized information services to computer users through the use of machine
11 learning. This request includes, without limitation, research and development work. This request
12 excludes work related to text classification or speaker verification.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

14 SRI objects to this request on the grounds that: (i) it is overly broad and unduly
15 burdensome, including to the extent that it seeks "all" documents reflecting any such research and
16 development work; and (ii) it is vague and ambiguous, including with respect to the terms and
17 phrases "reflecting work," "performed," "relates to," and "through the use of machine learning."

18 Subject to and without waiving the foregoing General and Specific Objections, SRI will
19 not produce documents responsive to this topic because, as narrowly drafted by PUM to limit the
20 Request to a certain date range and providing personalized information services to computer users
21 using machine learning techniques, there are no responsive documents to produce. Were PUM to
22 have not narrowed its Request in this manner, SRI could have and would have produced the
23 responsive, non-privileged documents.

24 **REQUEST FOR PRODUCTION NO. 2:**

25 All documents reflecting any work performed by Yochai Konig SRI prior to August 8,
26 1999 that relates to providing personalized information services to computer users through the use
27 of machine learning. This request includes, without limitation, research and development work.
28 This request excludes work related to text classification or speaker verification.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

2 SRI objects to this request on the grounds that: (i) it is overly broad and unduly
3 burdensome, including to the extent that it seeks "all" documents reflecting any such research and
4 development work; (ii) it is vague and ambiguous, including with respect to the terms and phrases
5 "reflecting work," "performed," "relates to," and "through the use of machine learning;" (iii) seeks
6 documents that are not within SRI's possession, custody, or control; and (iv) seeks documents
7 responsive to Request for Production No. 5 in PUM's January 21, 2011 subpoena for production of
8 documents and Request for Production No. 2 in Google's December 20, 2010 subpoena for
9 production of documents.

10 Subject to and without waiving the foregoing General and Specific Objections, SRI
11 responds that, to the extent responsive, non-privileged documents exist, they were produced in
12 response to PUM and/or Google's prior subpoenas for production of documents.

13 **REQUEST FOR PRODUCTION NO. 3:**

14 All documents relating to SRI's first awareness of the existence or business of Utopy.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

16 SRI objects to this request on the grounds that: (i) it is overly broad and unduly
17 burdensome, including to the extent that it seeks information about "SRI," as defined in PUM's
18 document requests; (ii) it is vague and ambiguous, including with respect to the terms and phrases
19 "first awareness," and "existence or business of Utopy;" (iii) it seeks documents not within SRI's
20 possession, custody, or control; (iv) it seeks information duplicative of other discovery requests
21 served on SRI; and (v) it seeks documents protected by the attorney-client privilege and/or work
22 product doctrine.

23 Subject to and without waiving the foregoing General and Specific Objections, SRI
24 responds that it will produce responsive, non-privileged documents, to the extent such documents
25 are located in SRI's possession, custody, or control after a reasonable search.

26 **REQUEST FOR PRODUCTION NO. 4:**

27 All documents relating to SRI's first awareness of any of the patents-in-suit.
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

2 SRI objects to this request on the grounds that: (i) it is overly broad and unduly
3 burdensome, including to the extent that it seeks information about "SRI," as defined in PUM's
4 document requests; (ii) it is vague and ambiguous, including with respect to the terms and phrases
5 "first awareness;" (iii) it seeks documents not within SRI's possession, custody, or control; (iv) it
6 seeks information duplicative of other discovery requests served on SRI; and (v) it seeks
7 documents protected by the attorney-client privilege and/or work product doctrine.

8 Subject to and without waiving the foregoing General and Specific Objections, SRI
9 responds that, to the extent responsive, non-privileged documents exist, they were produced in
10 response to PUM and/or Google's prior subpoenas for production of documents.

11 **REQUEST FOR PRODUCTION NO. 5:**

12 All documents relating to Utopy or Yochai Konig or Roy Twersky before August 8, 1999.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

14 SRI objects to this request on the grounds that: (i) it is overly broad and unduly
15 burdensome; (ii) it is vague and ambiguous, including with respect to the phrase "relating to;" (iii)
16 it seeks documents not within SRI's possession, custody, or control; (iv) it seeks information that
17 is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; (v) it is
18 not reasonable limited in time or scope; (vi) it seeks documents protected by the attorney-client
19 privilege and/or work product doctrine; and (vii) it seeks documents responsive to Request for
20 Production No. 5 in Google's December 20, 2010 subpoena for production of documents.

21 **REQUEST FOR PRODUCTION NO. 6:**

22 All documents relating to Utopy or Yochai Konig or Roy Twersky after August 7, 1999.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

24 SRI objects to this request on the grounds that: (i) it is overly broad and unduly
25 burdensome; (ii) it is vague and ambiguous, including with respect to the phrase "relating to;" (iii)
26 it seeks documents not within SRI's possession, custody, or control; (iv) it seeks information that
27 is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; (v) it is
28 not reasonable limited in time or scope; (vi) it seeks documents protected by the attorney-client

1 privilege and/or work product doctrine; and (vii) it seeks documents responsive to Request for
2 Production No. 5 in Google's December 20, 2010 subpoena for production of documents.

3 **REQUEST FOR PRODUCTION NO. 7:**

4 All documents relating to Yochai Konig's work for or interaction with the Artificial
5 Intelligence group at SRI.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

7 SRI objects to this request on the grounds that: (i) it is overly broad and unduly
8 burdensome; (ii) it is vague and ambiguous, including with respect to the terms and phrases "work
9 for," and "or interaction with;" (iii) it seeks documents that are not within SRI's possession,
10 custody, or control; and (iv) it seeks documents responsive to Request for Production No. 5 in
11 PUM's January 21, 2011 subpoena for production of documents, and Request for Production No. 2
12 in Google's December 20, 2011 subpoena for production of documents.

13 Subject to and without waiving the foregoing General and Specific Objections, SRI
14 responds that, to the extent responsive, non-privileged documents exist, they were produced in
15 response to PUM and/or Google's prior subpoenas for production of documents.

16
17 DATED: June 17, 2011

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

18
19
20 By Andrea Pallios Roberts

Andrea Pallios Roberts

Attorneys for SRI International

Exhibit G

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andreaproberts@quinnemanuel.com

June 17, 2011

VIA EMAIL

Christian Samay
SNR Denton LLP
101 JFK Parkway
Short Hills, NJ 07078-2708

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

Dear Christian:

I write on behalf of SRI in response to the June 6, 2011 subpoenas for deposition and documents served on SRI. Attached hereto are objections and responses to the requests for production of documents served on SRI.

In the first instance, with respect to both the subpoena for documents and for deposition, there is no reason why PUM could not have sought this information in its two prior subpoenas to this third party. For example, there is no reason why PUM should now be asking SRI for the first time for "All documents relating to SRI's first awareness of any of the patents-in-suit" (Request for Production No. 4.) This certainly could have been included in PUM's January 21 or April 26, 2011 subpoenas for documents. It is unduly burdensome for PUM to require a third party to repeatedly search for different categories of documents in response to multiple subpoenas, or to provide witnesses for serial depositions on related topics.

As to the subpoena for deposition, SRI objects to PUM's topics as set forth below.

Topic 1. SRI objects to this topic on the ground that it is overly broad and unduly burdensome. It is not feasible for SRI to designate a witness or witnesses to testify as to "all" facts and circumstances, documents, and communications on this topic. Further, this topic is vague and

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ambiguous, including with respect to the terms and phrases "reflecting work," "performed," "relates to," and "through the use of machine learning." Subject to and without waiving these objections, SRI will not produce a witness to testify on this topic because, as narrowly drafted by PUM to limit the topic to a certain date range and providing personalized information services to computer users using machine learning techniques, there is no testimony for such a witness to provide. Were PUM to have not narrowed its topic in this manner, SRI could have and would have made a witness available to testify.

Topic 2. SRI objects to this topic on the ground that it is overly broad and unduly burdensome. It is not feasible for SRI to designate a witness to testify as to "all" facts and circumstances, documents, and communications, on this topic. Further, this topic is vague and ambiguous, including with respect to the terms and phrases "reflecting work," "performed," "relates to," and "through the use of machine learning." Moreover, this topic seeks information that is within the possession, custody, or control of Yochai Konig. Finally, this topic falls within Topic 2 of PUM's March 9, 2011 subpoena for deposition of SRI and SRI's witness on this topic was adequately prepared.

Topic 3. SRI objects to this topic on the ground that it is overly broad and unduly burdensome. It is not feasible for SRI to designate a witness to testify as to "all" facts and circumstances, documents, and communications, on this topic. Nor is it feasible for SRI to know this information, based upon the overly broad definition of "SRI" in PUM's definitions. Further, this topic is vague and ambiguous, including with respect to the terms and phrases "awareness," and "the existence or business of Utopy." This topic also seeks information protected by the attorney-client privilege and/or work product doctrine. Moreover, this topic seeks information that is within the possession, custody, or control of Yochai Konig. This topic also overlaps with Topic 6 of PUM's March 9, 2011 subpoena for deposition of SRI, and SRI's witness on that topic was adequately prepared. Indeed, Mr. Franco testified about how he first learned about Utopy. (Franco Depo., 92:12-20.)

Topic 4. SRI objects to this topic on the ground that it is overly broad and unduly burdensome. It is not feasible for SRI to designate a witness to testify as to "all" facts and circumstances, documents, and communications, on this topic. Nor is it feasible for SRI to know this information, based upon the overly broad definition of "SRI" in PUM's definitions. Further, this topic is vague and ambiguous, including with respect to the term "awareness." This topic also seeks information protected by the attorney-client privilege and/or work product doctrine. Moreover, this topic seeks information that is within the possession, custody, or control of Yochai Konig. Although not included in the topics in PUM's March 9, 2011 subpoena for deposition, this topic was certainly one that could have been covered in SRI's prior deposition.

Topic 5. SRI objects to this topic on the ground that it is overly broad and unduly burdensome. It is not feasible for SRI to designate a witness to testify as to "all" facts and circumstances, documents, and communications, relating to two individuals and an entire company. Further, this topic is vague and ambiguous, including with respect to the phrases "relating to" and "before August 8, 1999." This topic also seeks information protected by the attorney-client privilege and/or work product doctrine. Moreover, this topic seeks information that is not within SRI's possession, custody, or control, and is more likely in the possession, custody, or control of others. Further, this topic seeks information that is not relevant nor reasonably calculated to lead

to the discovery of admissible evidence –i.e. "all" facts regarding Utopy, Konig, and/or Twersky. This topic is similarly not reasonably limited in scope. This topic also overlaps with Topic 6 of PUM's March 9, 2011 subpoena for deposition of SRI, and SRI's witness on that topic was adequately prepared. To the extent this topic seeks any information relevant to the litigation, such information would have already been, or at a minimum should have been, covered in PUM's March 9, 2011 subpoena for deposition, and by the witnesses designated by SRI to testify on those topics.

Topic 6. SRI objects to this topic on the ground that it is overly broad and unduly burdensome. It is not feasible for SRI to designate a witness to testify as to "all" facts and circumstances, documents, and communications, relating to two individuals and an entire company. Further, this topic is vague and ambiguous, including with respect to the phrases "relating to" and "after August 7, 1999." This topic also seeks information protected by the attorney-client privilege and/or work product doctrine. Moreover, this topic seeks information that is not within SRI's possession, custody, or control, and is more likely in the possession, custody, or control of others. Further, this topic seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Facts regarding Utopy, Konig, and/or Twersky generally, have no bearing on the issues in this dispute. This topic is similarly not reasonably limited in scope. To the extent this topic seeks any information relevant to the litigation, such information would have already been, or at a minimum should have been, covered in PUM's March 9, 2011 subpoena for deposition, and by the witnesses designated by SRI to testify on those topics.

Topic 7. SRI objects to this topic on the ground that it is overly broad and unduly burdensome. It is not feasible for SRI to designate a witness to testify as to "all" facts and circumstances, documents, and communications, on this topic. Further, it is vague and ambiguous with respect to the terms and phrases "work for," and "interaction with." Moreover, this topic seeks information within the possession, custody, or control of Yochai Konig. Finally, this topic falls within Topic 2 of PUM's March 9, 2011 subpoena for deposition of SRI and SRI's witness on this topic was adequately prepared.

Very truly yours,



Andrea Pallios Roberts

01980.51575/4185742.2

01980.51575/4185742.2

Exhibit H

June 1, 2011

VIA E-MAIL AND REGULAR MAIL

Andrea Pallios Roberts
Quinn Emanuel Urquhart & Sullivan, LLP
555 Twin Dolphin Drive
5th Floor
Redwood Shores, CA 94065

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

Dear Andrea:

This letter responds to portions of your May 31, 2011 letter regarding the parties' meet and confer on various outstanding discovery issues. During the meet and confer PUM agreed to let Google know by today whether it would agree to produce communications relating to the scheduling of the 1/19/11 and 2/7/11 meetings, the subject matter discussed during those meetings, and PUM's preparation of its Fourth Supplemental Response to Interrogatory No. 1. As we explained during the meet and confer, we do not understand the Court's Order to require the production of these materials. Further, we do not agree with Google's "sword and shield" characterization of this issue. Per the Court's Order, Google was permitted to inquire as to what occurred during these meetings; and per the Court's Order PUM will produce Mr. Konig to discuss what occurred during these meetings. In PUM's view, no sword and shield issue remains. Rather, it seems that Google is being opportunistic -- attempting to use this issue as a wedge to obtain a waiver of uncertain breadth and scope. PUM, therefore, will not produce the documentation requested in your 5/18/11 letter regarding this topic.

Your letter also requested confirmation that all documents shown to Messrs. Twersky and Konig during the 1/19/11 and 2/7/11 meetings have been produced. They have. Additionally, per your request, PUM will identify the documents, if any, on its privilege log that relate to conception/reduction.

PUM also indicated it would inform Google by today whether it would supplement its Responses to Google's Interrogatory Nos. 17-24 to cure the so-called deficiency of incorporation by reference. While PUM disagrees that its responses are in any way deficient, and that its incorporation of portions of its Response to Google Interrogatory No. 11 by reference is in any way improper, rather than waste the Court's time on this issue PUM will provide the requested supplementation either via the suggested compromise or otherwise. PUM, however, does not want to have to supplement again once PUM obtains the additional technical information requested from Google (*i.e.*, the source code, the completed interrogatory responses, and/or additional testimony via the requested 30(b)(6) deposition). PUM,

therefore, will provide a date for completing such supplementation after Google provides the requested information.

PUM will address the remainder of your May 31, 2011 letter via separate correspondence.

Very truly yours,

Christian E. Samay
Christian E. Samay

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Enclosure