

EXHIBIT A

Joshua Sohn

From: David Perlson
Sent: Wednesday, March 05, 2014 6:01 PM
To: 'Bennett, Jennifer D.'
Cc: Andrea P Roberts; 'Nelson, Mark C.'; 'Murphy, Regina'; 'Friedman, Marc S.'; 'Jacobs, Karen'; 'Tigan, Jeremy A.'; 'Snead, Karen J.'; 'Grodin, Andrew M.'; 'Butler, Nell'; 'Salgado, Richard D.'; Google-PUM; 'Rich Horwitz (rhorwitz@potteranderson.com)'; 'Moore, David E.'; 'Palapura, Bindu A.'
Subject: RE: PUM v. Google

Jennifer,

As stated in prior correspondence, we disagree that Google has in any way contradicted the Court's order, or that our prior disclosures were insufficient. Rather, it is the breadth and ill-defined nature of PUM's case that makes it difficult for Google to set forth its precise order of proof on invalidity (we note that PUM itself stated on our meet and confer that the manner in which PUM chooses to put on its case is outside the Court's order). Nonetheless, to avoid the need to burden the Court with further disputes, we identify below which references we intend to use for anticipation and which references will only be used for obviousness:

1. Mladenic: Anticipation and obviousness
2. Wasfi: Anticipation and obviousness
3. Montebello: Anticipation and obviousness
4. Refuah: Obviousness
5. Joachims: Obviousness

For the obviousness combinations we refer PUM back to our January 31, 2014 disclosure. Obviously, we will not present combinations that include references we've dropped.

We continue to believe that under PUM's interpretation of the Court's Order, PUM did not comply with it for the reasons previously stated. We have pressed PUM to provide confirmation as to whether it will present an infringement case for each of the five accused profilers in Google Search. On our meet and confer I asked the direct question "will PUM provide an element by element infringement analysis for each of these five profilers?" PUM refused to answer yes or no. Instead, PUM said that it answered my question through its response that the manner in which these five accused profilers in Google Search is accused is set forth in Pazzani's report. Given that Dr. Pazzani's report explicitly lists five different Google profilers (link, dilip, Rephil, category navboost, and session) that allegedly qualify as the "learning machine" under the Asserted Patents (Pazzani Report ¶¶ 163 et seq), this means PUM intends to present an infringement case as to each of these learning machines. It would not be consistent with PUM's representation to, for example, use one or two of them as representative of the others. If PUM acts in a manner inconsistent with its representation, we will seek appropriate relief from the Court. It is inappropriate for PUM to seek granularity on Google's invalidity case while keeping its own infringement case open-ended.

David

-----Original Message-----

From: Bennett, Jennifer D. [mailto:jennifer.bennett@dentons.com]
Sent: Wednesday, March 05, 2014 4:19 PM
To: David Perlson
Cc: Andrea P Roberts; Nelson, Mark C.; Murphy, Regina; Friedman, Marc S.; Jacobs, Karen;