

EXHIBIT B

Platzer, Luke C

From: RThompson@fbm.com
Sent: Thursday, December 22, 2011 1:24 PM
To: RThompson@fbm.com; Fabrizio, Steven B
Cc: Platzer, Luke C; Pozza, Duane; ALeibnitz@fbm.com; TSchoenberg@fbm.com; jmun@rascoklock.com; vгурvits@bostonlawgroup.com
Subject: RE: Hotfile - Schedule through MSJ Briefs

Steve, I received your voice mail last evening. To be clear, yes we agree to both the extension you proposed on rebuttal experts and a reasonable corresponding extension for the MSJ briefing. In short, this confirms we have an agreement on the rebuttal report extension.

Here is a complete proposal with the minor changes from your proposal in CAPS.

Rebuttal expert reports - move this from Dec. 23rd to January 6th.

Complete rebuttal expert depositions by January 20th.

Motions for summary judgment to be filed by JANUARY 30TH (one week extension from present date.) MSJ oppositions to be filed by FEBRUARY 20 (three weeks instead of two).
MSJ replies to be filed by MARCH 1 (ten days instead of one week).

As to discovery motions that are filed tomorrow, the oppositions would be due in 14 days on January 6, the same day as the rebuttal reports.

We therefore would accept your offer of a short extension, perhaps until Tuesday January 10 for oppositions, with the replies due a week later per the local rules.

We should also discuss the timing and content of mediation briefing.

Rod

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

From: Thompson, Rod (27) x4445
Sent: Wednesday, December 21, 2011 3:58 PM
To: Fabrizio, Steven B
Cc: Platzer, Luke C; Pozza, Duane; Leibnitz, Andrew (21) x4932; Schoenberg, Tony (28) x4963; 'jmun@rascoklock.com'; 'vгурvits@bostonlawgroup.com'
Subject: RE: Hotfile - Schedule through MSJ Briefs

Steve, yes, we expect that there will be a to-be-agreed corresponding extension on the MSJ briefing but not as long as you proposed.

We can work out those details.

Rod

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

From: Fabrizio, Steven B [mailto:SFabrizio@jenner.com]
Sent: Wednesday, December 21, 2011 1:10 PM
To: Thompson, Rod (27) x4445
Cc: Platzer, Luke C; Pozza, Duane; Leibnitz, Andrew (21) x4932; Schoenberg, Tony (28) x4963; 'jmun@rascoklock.com'; 'vгурvits@bostonlawgroup.com'
Subject: Re: Hotfile - Schedule through MSJ Briefs

Rod - I assume you are contemplating some reasonable corresponding extension of the briefing. Otherwise I don't know that we want (or really can afford) any rebuttal extension. Please let's try to have at least an understanding on this before we extend rebuttals.

SBF

Sent from Blackberry

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

From: RThompson@fbm.com [mailto:RThompson@fbm.com]
Sent: Wednesday, December 21, 2011 11:42 AM
To: Fabrizio, Steven B
Cc: Platzter, Luke C; Pozza, Duane; ALeibnitz@fbm.com <ALeibnitz@fbm.com>; TSchoenberg@fbm.com <TSchoenberg@fbm.com>; jmunnn@rascoklock.com <jmunnn@rascoklock.com>; vgurvits@bostonlawgroup.com <vgurvits@bostonlawgroup.com>
Subject: RE: Hotfile - Schedule through MSJ Briefs

Steve, we are fine with extending the deadline for rebuttal expert reports until January 6 and depositions until the January 20. We are still considering what adjustment, if any, is needed on the Summary Judgment--but that can wait.

Please have Karen prepare the stipulation/joint motion as Janet is out for the rest of the week. Thanks.

Rod

P.S. We may have a discovery motion as well.

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

From: Fabrizio, Steven B [mailto:SFabrizio@jenner.com]
Sent: Tuesday, December 20, 2011 9:23 PM
To: Thompson, Rod (27) x4445
Cc: Platzter, Luke C; Pozza, Duane; Leibnitz, Andrew (21) x4932; Schoenberg, Tony (28) x4963
Subject: Re: Hotfile - Schedule through MSJ Briefs

Rod - I don't know if Luke tried to call you on this. We really need an answer by tomorrow morning or we will not be able to get the benefit of this. For what it is worth, we expect to be filing a couple of motions this week (a renewed Lemuria motion and a renewed motion to compel specific, limited portions of the source code). We feel we need to get them on file this week. However, it is not our intention to try to ruin your team's holiday. If we reach agreement per my email below, we would be willing to extend the date of your opposition until after the new year. Please let us know asap. Thanks.

SBF

From: "Roderick M. Thompson"
<rthompson@fbm.com<mailto:rthompson@fbm.com>>
Date: Mon, 19 Dec 2011 12:13:21 -0600
To: Steven Fabrizio <sfabrizio@jenner.com<mailto:sfabrizio@jenner.com>>
Cc: Luke Platzter <LPlatzer@jenner.com<mailto:LPlatzer@jenner.com>>, Duane Pozza <DPozza@jenner.com<mailto:DPozza@jenner.com>>, Andrew Leibnitz <aleibnitz@fbm.com<mailto:aleibnitz@fbm.com>>, "Anthony P. Schoenberg" <tschoenberg@fbm.com<mailto:tschoenberg@fbm.com>>
Subject: RE: Hotfile - Schedule through MSJ Briefs

Steve, I will discuss this with our team and clients, and get back to you shortly.

I just heard, however, that Luke is not willing to extend the time for confidentiality designations for our six days of Sofia depositions, which are currently due on December 27. While your clients may wish to have a report on what happened in Sofia, they won't get one next week if your team is taking some time off in any event.

Please reconsider and allow us at least until January 6. (We would agree to a comparable extension for all depositions.) Thanks.

Rod

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

From: Fabrizio, Steven B [mailto:SFabrizio@jenner.com]
Sent: Monday, December 19, 2011 12:58 AM
To: Thompson, Rod (27) x4445
Subject: Hotfile - Schedule through MSJ Briefs

Rod - Following up on our discussion in SF, subject to client approval, which I do not expect to be a hurdle, here is what we propose for getting us from here to summary judgment filings. If you agree, we would like to get a joint motion filed asap, so we will know the schedule before our respective teams depart for the holidays.

Rebuttal expert reports - move this from Dec. 23rd to January 6th.

Complete rebuttal expert depositions by January 20th.

Motions for summary judgment to be filed by February 10th.

MSJ oppositions to be filed by March 2nd.

MSJ replies to be filed by March 16th.

As for the MSJ briefing, it seems to make the most sense to have two sets of summary judgment briefs - one for the main copyright and DMCA issues, and one for the Warner counterclaims. We will defer to you as to whether you want a third summary judgment brief for Titov's

personal liability. Our sense is that there would be so much duplication of background and facts that it is better to just include Titov in the main copyright brief, albeit with extra pages so we can properly address the issues.

Assuming a two brief structure, we do not need any additional pages for the WB counterclaim brief. For the copyright/DMCA/Titov brief, I would think we would want to ask the court for 40 page opening and opposition briefs, and 20 page replies.

Let me have your thoughts on this as soon as possible.

Thanks.

SBF

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