

EXHIBIT A

David Zack

From: Al-Salam, Ramsey M. (Perkins Coie) [RAlsalam@perkinscoie.com]
Sent: Tuesday, August 22, 2006 11:56 AM
To: Kevin C. Kaplan
Cc: David Zack; Calabria, Johanna (Perkins Coie)
Subject: RE: Phase one scope

As a further clarification, my email below doesn't, of course, address the issue of whether the Silvers/Stelor issues are addressed in phase one--that's obviously the subject of the pending motion. Thanks.

Ramsey Al-Salam

Perkins Coie LLP
1201 Third Ave. Ste. 4800
Seattle, WA 98101

Direct Dial: 206.359.6385
Fax Number: 206.359.7385

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

From: Al-Salam, Ramsey M. (Perkins Coie)
Sent: Monday, August 21, 2006 5:14 PM
To: 'kkaplan@bskblaw.com'
Cc: 'dzack@bskblaw.com'; Calabria, Johanna (Perkins Coie)
Subject: RE: Phase one scope

Kevin and David:

You asked for some clarification on our view of the scope of phase one. We believe phase one covers the enforceability and validity of the Googles trademark registration, including, in particular, whether the registration is invalid/unenforceable because of: (1) the section 8/15 affidavit (because it was filed by an entity that had no ownership interest or because it fraudulently indicated that the mark was still in use in commerce for children's books, and had been for five continuous years); (2) fraud in the original application (there had been no bona fide commercial use); and/or (3) the trademark was abandoned. Please tell me if you disagree that these are issues at phase one.

Ramsey Al-Salam

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

From: Al-Salam, Ramsey M. (Perkins Coie)
Sent: Tuesday, August 15, 2006 3:25 PM
To: 'kkaplan@bskblaw.com'; 'gam@kttlaw.com'
Cc: 'dzack@bskblaw.com'; 'gewrue@hotmail.com'; Calabria, Johanna (Perkins Coie)
Subject: RE: Phase one scope

Kevin and group:

Any comments on this? Thanks.

Ramsey Al-Salam

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

From: Al-Salam, Ramsey M. (Perkins Coie)

Sent: Monday, August 14, 2006 3:35 AM

To: 'kkaplan@bskblaw.com'; 'gam@kttlaw.com'

Cc: 'dzack@bskblaw.com'; 'gewrue@hotmail.com'; Calabria, Johanna (Perkins Coie)

Subject: Phase one scope

Gail and Kevin:

We have agreed that phase one is limited to issues relating to the validity of the Googles registration. Our contention is, among other things, that the registration is invalid on various grounds, including fraud in the initial application (e.g., no use in commerce) and/or in the section 8/15 affidavit. We want to confirm that you agree that these issues are within the scope of phase one. In particular, if you contend that these issues are not within the scope of the pleadings, we want to resolve that issue (e.g., we can amend). Look forward to your thoughts. Thanks.

Ramsey

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