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June 20, 2008

BY FEDERAL EXPRESS

Michael A. Dailey, Esq.
2002 Summit Boulevard
Suite 1250
Atlanta, GA 30319

Re: *Cobb v. Google Inc., et al.*, No. 1:08-cv-00483-MHS (N.D. Ga.).

Dear Michael:

Enclosed please find Google's written responses to plaintiff's first sets of document requests and interrogatories. Also enclosed is a disk containing responsive documents, bates-labeled G 00001-09912. We produce these documents with the understanding that you will treat them in accordance with the draft Protective Order Limiting the Use and Dissemination of Confidential Material, which you reviewed this week and approved yesterday. We will submit this document for the court's approval later today.

Contrary to the suggestions in your recent letters, our earlier agreement to exchange discovery responses simultaneously today did not limit either party's ability to assert objections in those responses; it also did not resolve the *DeRubeis* objections previewed in my June 10 letter. The agreement to exchange discovery simultaneously was made following my May 9 comment that a plaintiff in this type of case could tailor the definition of his alleged idea based on early discovery from a defendant. That issue is separate and distinct from the *DeRubeis* objections I raised in my June 10 letter, and, unlike *DeRubeis*, does not serve as the basis for any of the objections contained in the enclosed responses.¹

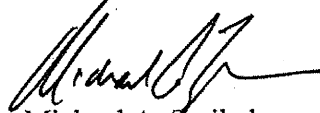
Let us move forward. You have said Mr. Cobb will elaborate on the disclosures he has previously made and will describe as fully as he is able the specifics of his alleged idea. Google will evaluate those responses under the *DeRubeis* standard, and, if appropriate, will promptly disclose additional documents and information accordingly. If a further meet-and-confer is necessary, we will do so in a good faith effort to avoid the expense of a discovery motion.

¹ Also, Google has not taken the position that Mr. Cobb has asserted a violation of the Georgia Trade Secrets Act. Our position is that Mr. Cobb has not defined his alleged idea with the particularity necessary for Google to make threshold relevance determinations. That argument, rooted in *DeRubeis*, does not depend on whether Mr. Cobb has asserted a violation of the statute.

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Regarding the deposition schedule, we appear to have talked past each other. We prefer to schedule the deposition on Wednesday, July 16, 2008, if that date is still agreeable with you. Please feel free to call me if we need to discuss this further.

Sincerely,



Michael A. Zwibelman

cc: Eric P. Schroeder, Esq.
John C. Fish, Esq.
Charlotte K. McClusky, Esq.