

EXHIBIT C

Michael H. Page
(415) 362-6666
mpage@durietangri.com

May 28, 2009

Robert M. Foote
Foote, Meyers, Mielke & Flowers LLC
28 N. First St.
Geneva, IL 60134

VIA PDF

Re: Summary Judgment Schedule

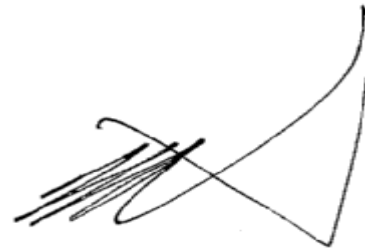
Dear Bob:

Thank you for your letter of yesterday, proposing an alternative approach to staging discovery and summary judgment on the issue of whether Google is subject to liability under the ACPA. Your proposal merits consideration, and may be workable. However, before we can agree to it, we will need to know what you mean by “ACPA discovery.”

Under Google’s proposal, the scope of discovery would be determined by the summary judgment motion itself, under established Rule 56(f) principles: each party would be entitled to discovery necessary to bring and oppose that motion, and the Court would be able to resolve any disputes regarding that scope by reference to the pleadings. Your proposal removes that objective reference point, and thus we would need to replace it with something else. Before agreeing, we would need to see a more detailed description of what you consider to be within-- and outside of--the rubric of “ACPA discovery.” If you can provide us with that information, we will be happy to consider it.

I look forward to speaking with you further in this regard. If you include your letter with your opposition papers, please also include this response.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Michael H. Page', with a large, sweeping flourish extending upwards and to the right.

Michael H. Page

cc: All counsel