

EXHIBIT 4

Fassi, Sheri (Secy-Chi-IP/Tech)

From: John Shonkwiler [jshonkwiler@novackmacey.com]
Sent: Friday, September 18, 2009 3:30 PM
To: Finn, Herbert (Shld-Chi-IP/Tech); Dunning, Jeffrey (Assoc-Chi-IP/Tech)
Cc: P. Andrew Fleming; martym@villageinvestments.com; John B. Haarlow
Subject: Specht v. Google -- follow-up to our meet and confer

Herb,

On our meet and confer call yesterday, we discussed a number of issues, including: electronic service of discovery materials; the possibility of stipulating to a protective order; and document production schedules. Plaintiffs are prepared to agree to the following.

1. Electronic service. We will agree that parties may serve discovery requests, objections, written responses and notices by email, with service thereof to be effective upon receipt by the party being served. This will not apply to service of document productions.
2. Protective order. We are willing to consider stipulating to entry of a protective order that has one tier of confidentiality similar to the "confidential" tier in your draft protective order. We are firmly of the view that a second tier for "highly confidential – counsel's eyes only" materials is unnecessary and inappropriate in this case. If this is a sticking point, we are willing to continue to exchange any document productions on an interim attorneys' eyes only basis until the issue is resolved by the parties or a judge. We understand that such an interim agreement is already in place between your firm and Marty Murphy. As for the other terms of your proposed draft protective order, we have comments that we will try to get to you by Thursday next week in a redline revision.
3. Document production schedule. We will agree to produce all relevant, non-privileged, documents (electronic and hard copy) that are responsive to your RFP (including those you served this afternoon) on a rolling basis beginning on October 9, with the production to be substantially complete by October 30, provided that: (1) you will agree to produce by October 2 those documents that Google committed to produce in its August 26 interrogatory responses, and (2) you provide dates that are acceptable to us by which Google's will begin, and complete, its document production in response to Plaintiffs' RFP served September 14.

Also, just as a reminder, we have a call scheduled for Thursday at 10:30 a.m. to discuss logistics of electronic production.

Regards,

John

11/16/2009

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11/16/2009