

EXHIBIT D-1

From: Frank Scherkenbach
Sent: Tuesday, September 04, 2007 10:05 AM
To: Schmit, David E.
Cc: Morriss, William S.; Schalnat, Ria Farrell; O'Brien, Tom; Kurt Glitzenstein; fes
Subject: RE: ilor v. Google

Thanks Dave. We will not use any extension stipulated to or granted in connection with the PI proceedings as a reason to deny the motion.

We will send you our proposed discovery shortly. Presently, I think the only deposition we need will be Mr. Mansfield's. Presuming we can get the documents in a reasonable period of time and that Mr. Mansfield is available reasonably promptly thereafter, I would hope we can get the briefing done and have the hearing by late October or early November -- i.e., an extension of only 30-45 days. We, too, would like to get this resolved sooner rather than later.

Frank

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

From: Schmit, David E. [mailto:DSchmit@fbtlaw.com]
Sent: Tuesday, September 04, 2007 2:53 AM
To: Frank Scherkenbach
Cc: Morriss, William S.; Schalnat, Ria Farrell; O'Brien, Tom; Schmit, David E.
Subject: Re: ilor v. Google

Frank

We are willing to grant a reasonable extension provided Google does not raise delay as a reason for denying the preliminary injunction.

Dave

Sent using BlackBerry

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

From: Frank Scherkenbach <Scherkenbach@fr.com>
To: Schmit, David E.; Kurt Glitzenstein <Glitzenstein@fr.com>
CC: fes <fes>
Sent: Tue Aug 28 22:56:02 2007
Subject: RE: ilor v. Google

Dave:

REDACTED

REDACTED

In any event, I have not looked at your motion or talked to my client about it but will do so. I understand that Mr. Mansfield signed a declaration in support, however, and that certain other allegations have been made that we would like to test through some discovery. I therefore trust we can work out by agreement that Google will be able to take Mr. Mansfield's deposition, a 30(b)(6) deposition on topics related to the motion, and of course receive relevant document discovery, all in advance of filing its opposition. Though the Court apparently automatically set the hearing for October 1, in view of our desire to take this discovery and given my schedule (I start a trial September 17) and Kurt's (he's on a family vacation until September 10), I hope you will be flexible in agreeing to move the hearing to late October or so.

Frank

From: Schmit, David E. [mailto:DSchmit@fbtlaw.com]
Sent: Monday, August 27, 2007 8:36 PM
To: Frank Scherkenbach; Kurt Glitzenstein
Cc: Schmit, David E.
Subject: ilor v. Google

Frank

REDACTED

Dave

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