

# **EXHIBIT D-4**

**From:** Kurt Glitzenstein  
**Sent:** Wednesday, September 12, 2007 2:28 PM  
**To:** 'sfaller@fbtlaw.com'  
**Cc:** 'Schmit, David E.'  
**Subject:** RE: iLOR v. Google - issues re PI motion

Susan,

We've been working directly with Dave on this case, but I have not had any luck getting a hold of him on the issues below, and so am forwarding this to you in the hopes of getting iLOR's positions asap. I'll try to reach by phone in a few minutes to discuss.

Regards,  
Kurt

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**From:** Kurt Glitzenstein  
**Sent:** Wednesday, September 12, 2007 11:06 AM  
**To:** 'Schmit, David E.'  
**Cc:** Frank Scherkenbach; 'JHiggins@MiddReut.com'  
**Subject:** RE: iLOR v. Google - issues re PI motion  
**Importance:** High

Dave,

I understand from your assistant that you are checking both email and voicemail. Having been unsuccessful in reaching you by either method, I am again following up on my message below. We really need to get iLOR's positions on these issues immediately. In view of the prejudice to Google stemming from both its need to obtain this discovery to respond to iLOR's motion and its impending opposition deadline, if we do not hear from you in the next several hours, we will have to file an emergency motion seeking relief on the issues below.

I again can make myself available whenever today you have some time to discuss these matters, or send me an email in the next few hours letting me know iLOR's position.

Regards,  
Kurt

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**From:** Kurt Glitzenstein  
**Sent:** Tuesday, September 11, 2007 11:06 AM  
**To:** 'Schmit, David E.'  
**Cc:** Frank Scherkenbach; 'JHiggins@MiddReut.com'  
**Subject:** iLOR v. Google - issues re PI motion

Dave,

I wanted to follow up on my vmail from yesterday and Frank's previous emails, to check in with you on the various timing issues we have raised regarding iLOR's PI motion. There are 4 interrelated scheduling issues:

1. When does iLOR expect to provide documents in response to the requests we served last Tuesday, September 4?
2. When is Mr. Mansfield available for a deposition, in the week (or so) after iLOR expects to provide documents?
3. We would like your agreement that Google's opposition filing deadline is extended to one week after Mr. Mansfield's deposition.
4. We would like your agreement on requesting the Court to continue the hearing on iLOR's motion from October 1 to late October, or early November, depending on how the other timing issues

(particularly the opposition deadline) stack up.

We would like to resolve this today, given that Google's opposition papers are presently due this Friday, September 14. You can either shoot me an email, or let me know when you are available to discuss these issues. I can make myself available at just about any time today.

Regards,  
Kurt

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