

# **EXHIBIT G**

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## **BY ELECTRONIC MAIL**

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Re: *Red Bend Ltd. v. Google Inc.*, Case No. 09-cv-11813

Dear Susan:

We are in receipt of your letter of yesterday evening directed to Red Bend's Responses to Google's First Set of Requests for Production.

Regarding Google's Document Request Nos. 4 and 6, Red Bend maintains its objections and is unconvinced by the case law you cite, which fails to adequately counter the *Vastera* case cited in my letter to you of yesterday's date. As requested, however, Red Bend confirms that it will produce all responsive documents that are in its possession, custody or control, including those it can obtain from Dr. Edwards. This would include all documents upon which Dr. Edwards relied in generating his declaration. We trust that Google will do the same with its expert(s) but, if not, please let us know by today.

As to Google's Document Request No. 16, Red Bend again maintains its objections and is again unconvinced by the case law you cite. Although it is true that Red Bend will ultimately be required to respond to Google's genuine challenges to the validity of the '552 Patent, if any, Google must first come forward with specific evidence and argument addressing its invalidity contentions in detail. Even in the case you cite, *Titan Tire Corp. v. Case New Holland, Inc.*, 566 F.3d 1372, 1377 (Fed. Cir. 2009), the Federal Circuit made clear that "[i]f [ ] the alleged infringer responds to the preliminary injunction motion by launching an attack on the validity of the patent, the burden is on the challenger to come forward with evidence of invalidity, just as it would be at trial." To avoid, however, motion practice on this point, we will nonetheless be including in our production non-privileged documents (if any) responsive to this request.

If you have any questions or concerns regarding the foregoing, please feel free to contact us.

**BAKER BOTTS** LLP

Susan Baker Manning, Esq.

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Very truly yours,

*Jennifer C. Tempesta*

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