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October 14, 2011

ELECTRONICALLY FILED

The Honorable Rya W. Zobel
 United States District Court Judge
 District of Massachusetts
 John Joseph Moakley US Courthouse
 One Courthouse Way, Suite 2300
 Boston, MA 02210

***Re: Skyhook Wireless, Inc. v. Google, Inc.,
 Case No. 1:10-cv-11571-RWZ (D. Mass.)***

Dear Judge Zobel:

I write on behalf of Google, Inc. in response to the letter filed today on behalf of Skyhook Wireless, Inc., by its counsel, Mr. Samuel Lu. Google was in the process of filing an Emergency Motion on this issue, a copy of which is Doc. No. 64, at the time Skyhook filed the letter. As Mr. Lu informed the Court, Skyhook intends to have a fact witness, Ted Morgan, the principal of Skyhook and the inventor of the patents-in-suit, present Skyhook's technology tutorial. Google objected to Mr. Morgan's presentation of the technology tutorial in the Joint Claim Construction and Prehearing Statement (Doc. No. 62).

As stated in the Emergency Motion, Skyhook agreed not to have fact witnesses present the technology tutorial and to proceed with presentation by counsel. Skyhook indicated to Google verbally on September 19, 2011 and in writing on October 11, 2011, that counsel would present its tutorial. Google indicated to Skyhook in writing on October 11, 2011 that it objected to presentation of the tutorial by fact witnesses. Skyhook did not inform Google that it retracted its agreement and planned to use Mr. Morgan as a presenter until less than thirty minutes prior to the filing of the Joint Claim Construction and Prehearing Statement on October 13, 2011.

Mr. Morgan's presentation of the tutorial is also contrary to the instruction of the Court. In their Joint Statement, filed December 7, 2010, the parties agreed to look to the Court for guidance as to the form of the tutorial. At the December 14, 2010 scheduling hearing, the Court indicated that the tutorials should take the form of attorney presentations.

Skyhook claims that Mr. Morgan's presentation of the tutorial is necessary because he is the best person to explain the technology. Google disagrees. A presentation by a person who is a fact witness is unsworn testimony that is inappropriate. Skyhook's

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counsel should be familiar with the technology at issue and, like Google's counsel, should be prepared to present a technology tutorial. Moreover, if Skyhook is allowed to have an unsworn witness give its presentation, Google would be entitled to have an expert or other witness give its presentation. This is contrary to an efficient and effective tutorial.

For these reasons, Google objects to the presentation of the technology tutorial by Mr. Morgan and respectfully requests that the Court preclude Skyhook from having him, or any other fact witness, make the presentation.

Very truly yours,

A handwritten signature in black ink that reads "William F. Abrams". The signature is written in a cursive, slightly slanted style.

William F. Abrams

SBM/gmc

cc: Samuel K. Lu, Esq.

Counsel on CM/ECF

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 14, 2011.

/s/ Julie S. Palmer, Esq.
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