

EXHIBIT E

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August 3, 2005

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Case 2:04-cv-70366-JAC-RSW Document 73-7 Filed 01/24/2006 Page 2 of 2

Re: NetJumper Software, L.L.C. v. Google Inc.
USDC-E.D. MI - Case No. 2:04CV70366



Dear Nabeel:

I write in reply to your letter today concerning case scheduling.

As an initial matter, we did not speak about scheduling two weeks ago, we spoke last week, on July 26. Then, I told you that we are not available for depositions the week of August 15, though I (alone) am available the following week, namely the week of August 22.

Furthermore, I do not understand why you have amended the Google 30(b)(6) notice. When we spoke last week, you said that you did not think you would need all of the individual depositions if the Rule 30(b)(6) designees provided you the information you sought. However, you seem to have reversed course and intend to take the individual depositions before the Rule 30(b)(6) depositions. This approach is destined to be inefficient since it may involve substantial overlap of witnesses and testimony.

We are working to determine which depositions can be offered up the week of August 22. As I mentioned during our call, an efficient way to proceed is by subject matter. Since you have source code and documents on the Google Toolbar for Internet Explorer, technical depositions on this subject are good candidates.

Mr. Fredricksen, whose deposition you have also requested regardless of the outcome of Google's 30(b)(6) designee on the Toolbar, resides in Seattle. I am comfortable with one deposition in Redwood City and then another in Seattle the same week. If you are too, then I will check to see that both witnesses are available. While Google has not decided whether Mr. Hagan will be its Rule 30(b)(6) witness regarding technical matters for the Toolbar (e.g., source code), it would be wise to prepare for his deposition as if he will be.

Mr. Piscitello is out of the country and traveling through September 14. If there is a change in his schedule, we will let you know. We will offer his for deposition upon

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Nabeel N. Hamameh, Esq.
August 3, 2005
Page 2

his return, if you are still interested. Ms. Chung has not returned from leave and has in fact extended her leave through September. As with Mr. Piscitello, when Ms. Chung returns, she will be offered for deposition, if you are still interested. Please see Michael Rosen's letters of June 28 and July 15, regarding the remaining witnesses and number of depositions you have requested.

I am available to discuss these scheduling issues with you to see if there are more depositions that can be covered the week of August 22, if any are possible. However, whether we can offer any back-to-back depositions, or multiple depositions on the same day will depend on how long you expect to spend deposing each witness.

With regard to a modification to the scheduling order, local counsel suggested we submit a stipulation and request for leave to modify the schedule. I would like to speak with you further about this and the timing of expert reports to see if we can reach an agreement as to all of the specifics before we submit the matter to the Court.

Monday or Tuesday will work for me for a meet and confer. Please let me know what time works for you.

Very truly yours,



Jason W. Wolff

JYW/tmb

cc: L. Pahl Zinn, Esq.
Michael H. Baniak, Esq.

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October 13, 2005

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Case No. 05-366-JAC-RSW Document 73-7 Filed 01/24/2006 Page 4 of 4

Re: NetJumper Software, L.L.C. v. Google Inc.

Dear Nabeel:

I reply to your letter of October 11, concerning your request for four personal depositions and multiple Rule 30(b)(6) depositions on October 19, 20, and 21.

Providing one week of notice to Google and the third parties regarding the depositions is insufficient. We have twice offered depositions further to your requests, but you have twice rejected our attempts to orderly schedule them. In fact, when I spoke with you, Andy, and Gary at your offices on September 16, I raised this specific scheduling issue as a reason why we should proceed with the depositions last month. Nevertheless, we will make reasonable efforts to accommodate your requests and if adjustments to the discovery schedule are order, we can discuss how to efficiently and orderly make them. Please call me to discuss this further.

With regard to the particular depositions you are seeking, Mr. Piscitello is out of the country and will return to the San Francisco Bay Area on November 15, so he is unavailable at least until then. Mr. Harawitz resides in Nova Scotia and is apparently away until October 21; we will confer with him regarding his deposition upon his return. We are looking into Mr. Pan's availability next week, as well as Google's Rule 30(b)(6) designee on Topics 1-3 and 9-11 (as I have indicated in the past, Alex Pau now maintains the Toolbar data). Regarding Topic 8, you have already deposed Mr. Hagan on this topic. If you need additional information beyond the testimony

of Mr. Harawitz, you may want to contact me regarding Mr. Harawitz's deposition.
Jason W. Wolff

cc: Gary E. Hood, Esq., Baniak Pine & Gannon



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