

444 South Flower Street - Suite 2400
Los Angeles, California 90071-2953
voice 213.236.0600 - fax 213.236.2700
www.bwslaw.com

BURKE, WILLIAMS & SORENSEN, LLP

January 13, 2006

Via ECF

Hon. E. Thomas Boyle
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722-9014

Re: Rates Technology Inc. v. Google, Inc.
Case No. CV 05-4703 (ADS) (ETB)

Your Honor:

This firm is lead counsel for plaintiff Rates Technology Inc. ("RTI") in connection with this patent infringement lawsuit against defendant Google, Inc. ("Google"). This letter responds to Google's lawyer Jon Hohenthaner's letter to you dated January 10, 2006, in which he asks that various dates in this matter be continued, including the initial scheduling conference currently set for February 3, 2006. For the reasons stated below, RTI believes that none of these dates should be continued; and RTI also requests that a settlement conference be scheduled in this case, requiring parties to attend, since RTI believes that a Court-supervised settlement conference could get this case settled quickly.

Google's letter primarily asks that the previously-set scheduling dates in this matter be continued, since because RTI had not served Google with the summons and complaint, Google has not yet filed its answer. What Mr. Hohenthaner neglects to tell the Court is that I sent copies of the complaint and this Court's October 19, 2005 scheduling order to Google's in-house counsel over six weeks ago, so Google has long been aware of RTI's allegations in this lawsuit. Indeed, the only reason that Google was not yet formally served was that RTI as a courtesy did not serve Google while the parties are trying to set up a settlement meeting later this month. However, given Google's counsel's letter's complaint about service, I have now sent the summons and complaint out to be formally served forthwith upon Google.

There is no reason why the parties cannot meet the dates set in the Court's October 19, 2005 order. Although the parties have not completed their Rule 26(f) conference at this time, I asked Google's in-house counsel several weeks ago to let me know when they retained outside counsel, and now that Mr. Hohenthaner finally appeared last Tuesday, I offered the very next day to meet with him today at his convenience. Unfortunately, he hasn't responded, but the parties should be able to provide initial disclosures and file a proposed discovery plan by January 27 and attend the initial scheduling conference on February 3. It would be unfortunate if the scheduled dates in this lawsuit were continued at Google's request, just because RTI had given Google a copy of the complaint but as a courtesy did not previously formally serve it in this matter.

Hon. E. Thomas Boyle

January 13, 2006

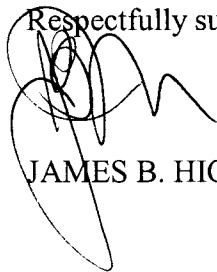
Page 2

This letter also asks that the Court schedule a settlement conference in this matter, and require parties to attend. Although RTI and Google have been trying to schedule a private settlement meeting, they have been unable to do so thus far, and in my experience, a court-supervised settlement conference is far more likely to succeed. This is especially true in this case, since Google's senior management is aware that over 120 companies have been covered under RTI's patents at issue in this lawsuit, including cable voice, ITSP, and mobile voice messaging companies; VoIP services companies; and manufacturers of routers, gateways, switches, access devices, and other VoIP-related equipment. These companies include 3Com, Cisco, Huawei (the major Chinese telecommunications company), IBM, Lucent, Matsushita (Panasonic), Mitel, Sharp, Yahoo!, and Verizon.

The bottom line is that Google's lawyer's letter does not really state a valid reason why the currently existing dates in this matter should be changed, especially now that Google is being formally served at its counsel's request.

The Court's attention to this matter is greatly appreciated.

Respectfully submitted,



JAMES B. HICKS

cc: David Lazer, Esq. (by mail and ECF)
Jon T. Hohenthauer, Esq. (by mail and ECF)