

# EXHIBIT C

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-----Original Message-----

From: Joseph S. Grinstein

Sent: Thursday, August 06, 2009 11:11 AM

To: Amy Candido; Carl Anderson; Stan Karas; Google-Function Media; wolff@fr.com; brooks@fr.com; gil@gillamsmithlaw.com

Cc: cmaloney@icklaw.com; ccapshaw@capshawlaw.com;

jrambin@capshawlaw.com; nancy@icklaw.com;

charley@pbatyler.com; ederieux@capshawlaw.com;

otiscarroll@icklaw.com; rcbunt@pbatyler.com;

katherine@icklaw.com; Justin A. Nelson; Jeremy Brandon; Max L. Tribble; Stacy Schulze; Sandeep Seth

Subject: Function Media v Google -- Inequitable Conduct Allegations

Counsel --

As you may be aware, in Exergen Corp. v. Wal-Mart Stores (a copy of which is attached), the Federal Circuit this week clarified the pleading standards applicable to inequitable conduct allegations. In so doing, it rejected under Rule 9(b) inequitable conduct allegations that we believe are similar in nature to Google's allegations in this case.

Accordingly, we intend to move to strike Google's inequitable conduct allegations under Rule 9(b) and other applicable authority. Before moving to strike, however, we invite Google to move to amend to bring its pleadings into compliance with Exergen (if it can do so). We are not representing now that if Google does move to amend we will not oppose the motion; rather, we would have to see the substance of the new allegations to determine for ourselves if they meet the Exergen standard.

Please move to amend within one week -- by August 13, 2009 -- or we will move to strike. If you would like to discuss this matter further, please do not hesitate to contact me.

Cordially,

Joe