

Exhibit K

From: Chad Walker [mailto:CBWalker@fr.com]
Sent: Wednesday, August 19, 2009 6:28 PM
To: Justin A. Nelson; amycandido@quinnemanuel.com; Sandeep Seth; Jason Wolff; Jeremy Brandon; Max L. Tribble; Joseph S. Grinstein
Cc: Stacy Schulze; Lorraine Morton; Patsy Goff; Google-FunctionMedia@quinnemanuel.com
Subject: RE: Chris Evans depo

Sandeep,

Here are the additional files from Mr. Evans. These should be considered confidential pursuant to the protective order.

Thanks -- Chad

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

From: Justin A. Nelson [mailto:jnelson@SusmanGodfrey.com]
Sent: Tuesday, August 18, 2009 6:48 PM
To: amycandido@quinnemanuel.com; Chad Walker; sseth@susmangodfrey.com; Jason Wolff; jbrandon@susmangodfrey.com; mtribble@susmangodfrey.com; jgrinstein@susmangodfrey.com
Cc: sschulze@susmangodfrey.com; Lorraine Morton; Patsy Goff; Google-FunctionMedia@quinnemanuel.com
Subject: Re: Chris Evans depo

As stated, we are proceeding with the depositions and reserving our rights.

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

From: Amy Candido <amycandido@quinnemanuel.com>
To: Justin A. Nelson; 'Chad Walker' <CBWalker@fr.com>; Sandeep Seth; 'Jason Wolff' <wolff@fr.com>; Jeremy Brandon; Max L. Tribble; Joseph S. Grinstein
CC: Stacy Schulze; 'Lorraine Morton' <LMorton@fr.com>; Patsy Goff; Google-Function Media <Google-FunctionMedia@quinnemanuel.com>
Sent: Tue Aug 18 18:46:01 2009
Subject: RE: Chris Evans depo

Justin,

We want to make sure that you understand our position. Because of the

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recently identified documents, we have offered to make Chris Evans available to be deposed at a later date and will work with you to identify a mutually-agreeable date. Nevertheless, if Function Media chooses to go forward with Chris Evans' deposition as previously scheduled, that is Function Media's choice. It is not appropriate, however, for Function Media to choose to go forward with the deposition despite our offer to reschedule, and then later raise some objection regarding the newly identified documents.

Please confirm whether you would like us to identify additional dates when Mr. Evans is available to be deposed or if you intend to go forward this Thursday.

Regards,
Amy

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

From: Justin A. Nelson [mailto:jnelson@SusmanGodfrey.com]
Sent: Tuesday, August 18, 2009 12:50 PM
To: Chad Walker; Sandeep Seth; Jason Wolff; Jeremy Brandon; Max L. Tribble; Joseph S. Grinstein
Cc: Stacy Schulze; Lorraine Morton; Amy Candido; Patsy Goff
Subject: RE: Chris Evans depo

Chad --

There appears to be a pattern here of late-produced documents from third-party witnesses here despite longstanding subpoenas. I trust you are rectifying this for future witnesses. It really is not acceptable for you on multiple occasions to suddenly find documents on the eve of deposition that should have been produced in response to our subpoena long ago. Time is short throughout the rest of the discovery period. You have not yet given us dates for many prior art witnesses we've asked for. Given the schedule, we plan to proceed with the deposition this week on its originally-scheduled date, reserving all our rights (including moving to strike any late-produced documents).

From: Chad Walker [mailto:CBWalker@fr.com]
Sent: Tue 8/18/2009 2:48 PM
To: Sandeep Seth; Jason Wolff; Jeremy Brandon; Max L. Tribble; Joseph S. Grinstein; Justin A. Nelson
Cc: Stacy Schulze; Lorraine Morton; Amy Candido; Patsy Goff
Subject: RE: Chris Evans depo

Mr. Evans has located 300 additional potentially responsive files. We have not yet received them, but we expect to receive them today. We will give them to you as fast as we can. Again, the next available date for Mr. Evans is August 26, but if you want to push it out further, we will work with you on another mutually agreeable date.

-- Chad

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From: Sandeep Seth [mailto:sseth@SusmanGodfrey.com]
Sent: Tuesday, August 18, 2009 2:40 PM
To: Chad Walker; Jason Wolff; jbrandon@susmangodfrey.com;
mtribble@susmangodfrey.com; jgrinstein@susmangodfrey.com;
jnelson@susmangodfrey.com
Cc: sschulze@susmangodfrey.com; Lorraine Morton; Amy Candido; Patsy Goff
Subject: RE: Chris Evans depo

Yes.

From: Chad Walker [mailto:CBWalker@fr.com]
Sent: Tuesday, August 18, 2009 2:33 PM
To: Sandeep Seth; Jason Wolff; Jeremy Brandon; Max L. Tribble; Joseph S. Grinstein; Justin A. Nelson
Cc: Stacy Schulze; Lorraine Morton; Amy Candido; Patsy Goff
Subject: RE: Chris Evans depo

Just to confirm, you want to proceed with the deposition this Thursday, as originally scheduled. Is that correct?

From: Sandeep Seth [mailto:sseth@SusmanGodfrey.com]
Sent: Tuesday, August 18, 2009 2:30 PM
To: Chad Walker; Jason Wolff; jbrandon@susmangodfrey.com;
mtribble@susmangodfrey.com; jgrinstein@susmangodfrey.com;
jnelson@susmangodfrey.com
Cc: sschulze@susmangodfrey.com; Lorraine Morton; Amy Candido; Patsy Goff
Subject: RE: Chris Evans depo

No Chad. We will have to proceed as originally scheduled. If Mr. Evans has any more docs to turn over, now is the time. Thank you.

From: Chad Walker [mailto:CBWalker@fr.com]
Sent: Tuesday, August 18, 2009 2:27 PM
To: Sandeep Seth; Jason Wolff; Jeremy Brandon; Max L. Tribble; Joseph S. Grinstein; Justin A. Nelson
Cc: Stacy Schulze; Lorraine Morton; Amy Candido
Subject: RE: Chris Evans depo

Sandeep,

Mr. Evans has a personal conflict this Friday. His next available day

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is next Wednesday, August 26. Would you be able to move the depo to that day?

Thanks -- Chad

From: Sandeep Seth [mailto:sseth@SusmanGodfrey.com]
Sent: Tuesday, August 18, 2009 1:50 PM
To: Jason Wolff; jbrandon@susmangodfrey.com; mtribble@susmangodfrey.com; jgrinstein@susmangodfrey.com; jnelson@susmangodfrey.com
Cc: sschulze@susmangodfrey.com; Chad Walker; Lorraine Morton; Amy Candido
Subject: RE: Chris Evans depo

Yes, let's do that.

From: Jason Wolff [mailto:wolff@fr.com]
Sent: Tuesday, August 18, 2009 1:47 PM
To: Sandeep Seth; Jeremy Brandon; Max L. Tribble; Joseph S. Grinstein; Justin A. Nelson
Cc: Stacy Schulze; Chad Walker; Lorraine Morton; Amy Candido
Subject: RE: Chris Evans depo

Attached is what we just received from Mr. Evans. If you'd like to postpone until Friday we can do that.

From: Sandeep Seth [mailto:sseth@SusmanGodfrey.com]
Sent: Tuesday, August 18, 2009 11:44 AM
To: Jason Wolff; jbrandon@susmangodfrey.com; mtribble@susmangodfrey.com; jgrinstein@susmangodfrey.com; jnelson@susmangodfrey.com
Cc: sschulze@susmangodfrey.com; Chad Walker; Lorraine Morton; Amy Candido
Subject: RE: Chris Evans depo

Then I suggest we do the depo Friday.

From: Jason Wolff [mailto:wolff@fr.com]
Sent: Tuesday, August 18, 2009 1:37 PM
To: Sandeep Seth; Jeremy Brandon; Max L. Tribble; Joseph S. Grinstein; Justin A. Nelson
Cc: Stacy Schulze; Chad Walker; Lorraine Morton; Amy Candido
Subject: RE: Chris Evans depo

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We are trying to get the documents now. I do not know how much additional material he located.

From: Sandeep Seth [mailto:sseth@SusmanGodfrey.com]
Sent: Tuesday, August 18, 2009 11:36 AM
To: Jason Wolff; jbrandon@susmangodfrey.com; mtribble@susmangodfrey.com; jgrinstein@susmangodfrey.com; jnelson@susmangodfrey.com
Cc: sschulze@susmangodfrey.com; Chad Walker; Lorraine Morton; Amy Candido
Subject: RE: Chris Evans depo

Jason, are you getting us the documents today? How much additional material?

-Sandy

From: Jason Wolff [mailto:wolff@fr.com]
Sent: Tuesday, August 18, 2009 1:21 PM
To: Jeremy Brandon
Cc: Sandeep Seth; Stacy Schulze; Chad Walker; Lorraine Morton; Amy Candido
Subject: FW: Chris Evans depo

[Sorry, adding Chad and Amy.]

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

From: Jason Wolff
Sent: Tuesday, August 18, 2009 11:20 AM
To: 'Jeremy Brandon'
Cc: 'Sandeep Seth'; Stacy Schulze
Subject: RE: Chris Evans depo

Jeremy and Sandy,

We just learned today that Chris Evans located additional electronic materials. He's sending them to us now -- we haven't seen them but understand they include press and engineering materials pertaining to Mr. Evans' time with Accipiter, as well as some materials pertaining to NetGravity. As soon as we receive them we will send them to you.

The question is how you'd like to proceed. We can postpone the deposition or continue with the deposition, please tell us what you'd would like to do today before our flight to Raleigh tomorrow.

Regards,
Jason

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

From: Chad Walker

Sent: Monday, August 17, 2009 10:00 AM

To: jbrandon@susmangodfrey.com

Cc: Jason Wolff

Subject: Chris Evans depo

Jeremy,

I wanted to let you know that Chris will coming to the depo Thursday morning from another meeting. He is planning to be there on time, but I wanted to let you know that there is a possibility that he might be a few minutes late. Hopefully it won't be an issue, but I wanted to give you a heads up.

Thanks -- Chad

Chad Walker / Fish & Richardson P.C. / Direct: (214) 760-6147 / Cell: (817) 501-4870

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