

EXHIBIT A

REDACTED

From: Jeremy Brandon [jbrandon@SusmanGodfrey.com]
Sent: Tuesday, September 01, 2009 9:55 PM
To: Amy Candido; Stan Karas
Cc: Google-Function Media; wolff@fr.com; gil@gillamsmithlaw.com; Justin A. Nelson; Joseph S. Grinstein; Max L. Tribble; Stacy Schulze; Sandeep Seth; chenry@capshawlaw.com; charley@pbatyler.com; ederieux@capshawlaw.com; Google-FM-Exchange@fr.com
Subject: RE: Dummy ads

Amy,

Received. And okay - we'll use a real website. Also okay re pay.

Thanks,

jeremy

From: Amy Candido [mailto:amycandido@quinnemanuel.com]
Sent: 2009-09-01 23:27
To: Amy Candido; Jeremy Brandon; Stan Karas
Cc: Google-Function Media; wolff@fr.com; gil@gillamsmithlaw.com; Justin A. Nelson; Joseph S. Grinstein; Max L. Tribble; Stacy Schulze; Sandeep Seth; chenry@capshawlaw.com; charley@pbatyler.com; ederieux@capshawlaw.com; Google-FM-Exchange@fr.com
Subject: RE: Dummy ads

Jeremy,

I'm told my earlier email reflects a misunderstanding I had – please disregard it. We need your expert to figure out a way to run ads with webpages from a real website, not a dummy website. Real AdWords users' ads can be displayed on pages from your proposed dummy site, causing an issue between Google and the real AdWords users. If your expert's ads show up with pages from a random site, that is less of an issue so long as you are willing to pay for it – and you have stated that you will pay for it.

Can your expert figure out a way display ads on a real site? Perhaps your client's site?

Please confirm receipt.

Thanks,
Amy

From: Amy Candido
Sent: Tuesday, September 01, 2009 8:41 PM
To: Jeremy Brandon; Stan Karas
Cc: Google-Function Media; wolff@fr.com; gil@gillamsmithlaw.com; Justin A. Nelson; Joseph S. Grinstein; Max L. Tribble; Stacy Schulze; Sandeep Seth; chenry@capshawlaw.com; charley@pbatyler.com; ederieux@capshawlaw.com; Google-FM-Exchange@fr.com
Subject: RE: Dummy ads

Jeremy,

Google will not assert that it is a violation of Google's terms of service if FM's experts create their own dummy website and "placement target" or "site-target" any dummy ads to that dummy website, as you propose below. We understand that FM's experts will not target ads using keywords and will not "placement target" to any website other than the dummy website. We further understand that FM's experts agree to pay for any clicks to any dummy ads they place on the dummy website.

Based on our conversation today, we understand that FM's experts have created a dummy website with some content on 3 pages and then 1 page with only jibberish and that they agree to put the Google generated code only on the page with jibberish. You told me that your expert thinks he can placement target to the jibberish page. If he is wrong, please let me know what you propose instead.

Thanks,
Amy

From: Jeremy Brandon [mailto:jbrandon@SusmanGodfrey.com]

Sent: Monday, August 31, 2009 4:20 PM

To: Stan Karas

Cc: Google-Function Media; wolff@fr.com; gil@gillamsmithlaw.com; Justin A. Nelson; Joseph S. Grinstein; Max L. Tribble; Stacy Schulze; Sandeep Seth; chenry@capshawlaw.com; charley@pbatyler.com; ederieux@capshawlaw.com; Google-FM-Exchange@fr.com; Amy Candido

Subject: RE: Dummy ads

Hi Stan --

I haven't heard back from you re the below. If I don't hear back by noon Pacific tomorrow, I'll assume that Google remains opposed to the "dummy ad on a dummy website" relief that we plan to request in a motion tomorrow afternoon.

Thanks,

jeremy

From: Jeremy Brandon

Sent: 2009-08-28 16:52

To: Stan Karas

Cc: Google-Function Media; wolff@fr.com; gil@gillamsmithlaw.com; Justin A. Nelson; Joseph S. Grinstein; Max L. Tribble; Stacy Schulze; Sandeep Seth; chenry@capshawlaw.com; charley@pbatyler.com; ederieux@capshawlaw.com; 'Google-FM-Exchange@fr.com'; 'Amy Candido'

Subject: FM: Dummy ads

Stan,

Our experts would like to publish dummy ads using the test accounts that they created. I think your August 10, 2009, letter and our previous discussions make clear that Google will not agree to any publication of dummy ads under any circumstances. But before we file a motion with the Court, I just wanted to try one more time.

To be clear, FM will agree to create its own dummy website and to "placement target" any dummy ad to that dummy website. FM will also agree not to target ads via keywords and not to "placement target" to any website other than the dummy one. Further, FM will agree to pay for any clicks that obtain on the dummy ad.

Please let me know Google's position by close of business on Monday. If you believe we need another lead counsel meet and confer, please propose a time on Monday. We'll make ourselves available whenever y'all are. Thanks.

jeremy