

# EXHIBIT A

**The Rafilson Law Firm, PLLC**  
**1318 Royal Palm Lane, Carrollton, TX 75007**

---

Ari Rafilson  
Telephone: (214) 789-4035  
Fax: (972) 236-5397  
ari@rafilsonlawfirmpllc.com

*VIA EMAIL TO WHITEJ@HOWREY.COM*

September 24, 2009

Jason White  
Howrey LLP  
321 North Clark Street, Suite 3400  
Chicago, IL 60654

**Re: nXn Tech, LLC v. Google, Inc. et al.**

Dear Jason:

This letter regards nXn's review of Yahoo's source code in the above-referenced case. As an initial matter, nXn notes that Yahoo has provided only five source code files for this initial inspection session. Yahoo's production of this minimal quantity of code is woefully deficient. For the record, the files that have been provided include the following:

uploadLongTerm.h  
uploadLongTerm.cc  
DirectResponseModel.cpp  
btRTM.h  
btRTM.cpp

Much if not all of this code appears to be lower-level code. nXn's technical advisor cannot determine which, if any, of the provided code is utilized by the accused instrumentalities. Yahoo should have provided, at a minimum, the code for the accused instrumentalities that accesses and utilizes the code provided. **Please immediately advise as to which, if any, of the accused instrumentalities utilize this code and the context in which such code is accessed.** This should be a simple request to comply with as only five source code modules have been provided.

Regarding issues raised in your letter of earlier today, Yahoo is violating the protective order by refusing to provide a printer for use during code review. nXn's technical advisor will advise as to which source code she would like printed for the time being. Such action should not be construed in any way to limit my client's rights or Yahoo's obligations in this matter. Finally, regarding nXn's request for reimbursement for expenses for its technical advisor for

yesterday after Yahoo provided code that appeared unrelated to the '067 patent, nXn will provide an invoice for Ms. Porter's related time and expenses in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read "Ari Rafilson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

---

Ari Rafilson