

# Exhibit 3

## Josh Thane

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**From:** Jennifer Doan  
**Sent:** Friday, May 14, 2010 7:28 AM  
**To:** 'Liz Wiley'; Andrew Weiss  
**Cc:** 'White, Jason'; 'Rooklidge, William'; Josh Thane  
**Subject:** Bright Response v. Yahoo - motion to compel compromise

Liz:

As we discussed earlier this week, with respect to the plaintiff's outstanding motion to compel against Yahoo for its "click protection" source code, Yahoo is willing to produce a witness for deposition on the source code to explain why it is not relevant nor could it lead to the discovery of admissible evidence in this litigation. As you know, plaintiff mentioned in the motion to compel that we had not offered such a witness previously—we did not do so as it was not discussed as an alternative. Although this compromise may have been previously discussed with Google, apparently it was not with Yahoo. It is my understanding that Google is producing a witness in order to resolve the issue, and Yahoo is willing to do so as well. Please let me know whether this compromise is acceptable to plaintiff in order to resolve the outstanding motion to compel or whether we need to respond. I know that you have several irons in the fire but as time is ticking on our response, if we could get a response on this today, that would be very helpful.

With respect to the mediation, as I mentioned, Yahoo would like to try to resolve this matter in the near future with the mediation with Heshia Abrams. I am contacting Heshia today regarding her availability for May and June and will shoot you those dates.

I look forward to hearing from you. Have a great day.

Jennifer

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