

Exhibit D

From: Andrew Spangler [mailto:Andrew@spanglerlawpc.com]
Sent: Monday, June 07, 2010 7:33 PM
To: Jennifer P. Ainsworth; Jennifer Doan
Cc: Andrew Spangler
Subject: Bright Response

Jennifer (and Jennifer),

You (Yahoo) asked for - and received - relief regarding modifying the Protective Order re Mr. Pridham. The Court specifically ordered us to get him a revised Protective Order. I have asked for one from you guys and have received nothing but radio silence. Timing is critical considering experts, upcoming deadlines, etc. Your failure to respond has greatly prejudiced Bright Response. As the Court has done in the past, when there is a dispute over a PO the parties just submit their competing versions. We will be submitting ours no later than COB on Wednesday but likely tomorrow. Our proposed modification will conform to the Court's order in that Mr. Pridham will see no non-technical information (most importantly newly produced source code) but that **Mr. Pridham will be able to assist experts prepare reports to the extent he relies only on information reviewed before the Court entered its order. Moreover, we will be proposing that while Mr. Pridham will see no further technical documentation he will still be able to view financial information.** Based on the reasons underlying your request for modification, permitting him access to financial information will not impact your clients in any way.

Again, I do not understand the delay and will not wait any longer. The delay after all you have done and argued before the Court (specifically Yahoo) is intolerable. We will file and we will not wait. You are welcome to file a response and/or your competing version.

And our motion will request expedited relief in light of the deadlines and will flag for the Court your rush to get the relief and then your failure to even attempt to provide direction on what you desire and what you think a proper modification would be. It smacks of gamesmanship and this late in the case - less than two months before trial - cannot be condoned. I know it is not either of you but I will make clear to the Court what has taken place (or not taken place for that matter). Feel free to have Perlson or White try and stretch this out or delay. I will not allow it to prejudice my client. You understand the two issues we are raising and can proceed any way you see fit.

Kindest regards,
Andrew Spangler