

# Exhibit E

**From:** Andrew Spangler [Andrew@spanglerlawpc.com]  
**Sent:** Wednesday, June 09, 2010 11:52 AM  
**To:** Josh Thane; ahoffman@raklaw.com; patrick@prapllc.com; alan@alanbrookspllc.com; jmb@bustamantelegal.com; mfenster@raklaw.com; agiza@raklaw.com; dan@pereziplaw.com; david@PridhamIPLaw.com; David Perlson; Eugene Novikov; Todd Kennedy; Andrea P Roberts; davidrudolph@quinnemanuel.com; aweiss@raklaw.com; JAinsworth@WilsonLawfirm.com  
**Cc:** Rooklidge, William; White, Jason; Shah, Mansi; Sherwin, Scott; Jennifer Doan; Andrew Spangler  
**Subject:** RE: Bright Response v. Yahoo

Josh,

Are you purposefully being obtuse?

1. We got your red-lines and made clear our thoughts that you were over-reaching.
2. We know what procedure the Court gave. It does not need to be in the order in the convoluted language you propose. If we want relief we go to the Court – no different than for any PO.
3. I don't know how clear to make it – we are going to seek the two exceptions we have articulated now 4 times. Are you opposing those exceptions? If so, then fine we will raise it immediately as the Court said we could. If not, then we work it into the order now rather than having to do yet another amendment.
4. If nothing is going to get resolved the only language that needs to be added is: Mr. Pridham is barred from viewing Confidential, AEO, or Source Code documents. Period.
5. Again, if you are able, please answer #3. If you are going to refuse to take a position or answer then at least have the courtesy to say so. Blatant and purposeful ignoring questions is a direct violation of the local rules and is bad faith under local rule CV-7.
6. I already explained I might not be able to meet this afternoon but until you respond to our red-line I don't know why you keep referring to yours. You do understand that parties send red-lines back and forth correct? You sent yours, we edited, and you have sent nothing back other than to tell us to go back and look at your first one. Are you serious? If this is non-negotiable then again, just have the courtesy to say so. We will submit the issue to the Court and explain nothing got worked out due to your conduct, delay and gamesmanship.

Regards,

Andrew W. Spangler  
**Spangler Law P.C.**

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**From:** Josh Thane [mailto:jthane@haltomdoan.com]  
**Sent:** Wednesday, June 09, 2010 11:44 AM  
**To:** Andrew Spangler; ahoffman@raklaw.com; patrick@prapllc.com; alan@alanbrookspllc.com; jmb@bustamantelegal.com; mfenster@raklaw.com; agiza@raklaw.com; dan@pereziplaw.com; david@PridhamIPLaw.com; David Perlson; Eugene Novikov; Todd Kennedy; Andrea P Roberts; davidrudolph@quinnemanuel.com; aweiss@raklaw.com; JAinsworth@WilsonLawfirm.com  
**Cc:** Rooklidge, William; White, Jason; Shah, Mansi; Sherwin, Scott; Jennifer Doan  
**Subject:** RE: Bright Response v. Yahoo

Andrew,

We sent your client our proposal and a red-line version for your review yesterday. Neither the Court's Order, nor the orders in *ST Sales* or *Hyundai*, provide the limitations that you suggest. The Court's Order, however, does provide a mechanism for Bright Response to request access by Mr. Pridham to the defendants' confidential documents, which we have incorporated.

Please advise whether your client will meet and confer with the defendants this afternoon in order to try to resolve any outstanding issues in order to comply with Judge Everingham's order.

Thanks,  
Josh

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**From:** Andrew Spangler [mailto:Andrew@spanglerlawpc.com]

**Sent:** Wednesday, June 09, 2010 10:00 AM

**To:** Josh Thane; ahoffman@raklaw.com; patrick@prapllc.com; alan@alanbrookspllc.com; jmb@bustamantelegal.com; mfenster@raklaw.com; agiza@raklaw.com; dan@pereziplaw.com; david@PridhamIPLaw.com; David Perlson; Eugene Novikov; Todd Kennedy; Andrea P Roberts; davidrudolph@quinnemanuel.com; aweiss@raklaw.com; JAinsworth@WilsonLawfirm.com

**Cc:** Rooklidge, William; White, Jason; Shah, Mansi; Sherwin, Scott; Jennifer Doan; Andrew Spangler

**Subject:** RE: Bright Response v. Yahoo

Josh,

Would you answer my questions? I have asked numerous times and you simply refuse to answer. Your obstinacy and refusal to properly discuss issues with Bright Response has reached a breaking point.

We will not have a call until you answer two very simple questions:

1. What is Yahoo's position regarding a provision allowing Mr. Pridham to view documents produced before the Court Order?
2. What is Yahoo's position regarding allowing Mr. Pridham access to view financial documents?

We can discuss other provisions when you get your red-lines back to me. Yahoo's "edits" provided go way beyond the Court's Order. If you won't agree to the above we will seek Court relief as the Court directed. Just seemed more efficient to address it up front now – but Yahoo appears to refuse to be reasonable on any of these issues.

If the answer to the above is no for both then the only amendment necessary to the Protective Order is not all of Yahoo's over-reaching but a simple phrase for each section that says Mr. Pridham is barred from viewing any Confidential, AEO or Source Code information. Period.

I look forward to seeing Yahoo take a position.

And Marc is spelled with a "c" and not a "k."

Andrew W. Spangler  
**Spangler Law P.C.**

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**From:** Josh Thane [mailto:jthane@haltomdoan.com]  
**Sent:** Wednesday, June 09, 2010 9:53 AM  
**To:** Andrew Spangler; ahoffman@raklaw.com; patrick@prapllc.com; alan@alanbrookspllc.com; jmb@bustamantelegal.com; mfenster@raklaw.com; agiza@raklaw.com; dan@pereziplaw.com; david@PridhamIPLaw.com; David Perlson; Eugene Novikov; Todd Kennedy; Andrea P Roberts; davidrudolph@quinnemanuel.com; aweiss@raklaw.com; JAinsworth@WilsonLawfirm.com  
**Cc:** Rooklidge, William; White, Jason; Shah, Mansi; Sherwin, Scott; Jennifer Doan  
**Subject:** RE: Bright Response v. Yahoo

Andrew,

Thank you for your response. We will be happy to discuss the provisions of the proposed amended protective order in light of *Hyundai* and *ST Sales* as the Court ordered. **If you are not available for a meet and confer, we can confer with Mark Fenster or any of the other members of your team. Please let me know when they will be available for a meet and confer this afternoon after 1:00pm central.**

Thanks,  
Josh

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**From:** Andrew Spangler [mailto:Andrew@spanglerlawpc.com]  
**Sent:** Wednesday, June 09, 2010 9:31 AM  
**To:** Josh Thane; ahoffman@raklaw.com; patrick@prapllc.com; alan@alanbrookspllc.com; jmb@bustamantelegal.com; mfenster@raklaw.com; agiza@raklaw.com; dan@pereziplaw.com; david@PridhamIPLaw.com; David Perlson; Eugene Novikov; Todd Kennedy; Andrea P Roberts; davidrudolph@quinnemanuel.com; aweiss@raklaw.com; JAinsworth@WilsonLawfirm.com  
**Cc:** Rooklidge, William; White, Jason; Shah, Mansi; Sherwin, Scott; Jennifer Doan  
**Subject:** RE: Bright Response v. Yahoo

Josh,

I have other calls and appointments this afternoon so can't give you a time or even confirm I can be available. This is but one reason I asked for Yahoo's proposal long ago – which Yahoo refused to do. **Very simple – will Yahoo agree with one or both of the two issues we raised? If not, then there is no need for a meet and confer.** If so, and it is simply an issue of word-smithing then send your red-line to my last version.

Again, we intend to file our version today if you refuse to move on these points or provide any further edits. This last second conduct is simply not acceptable. I will be filing with the Court a Motion/Notice setting exactly what I did before. I look forward to your explanation.

Regards,

Andrew W. Spangler  
**Spangler Law P.C.**

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**From:** Josh Thane [mailto:jthane@haltomdoan.com]  
**Sent:** Wednesday, June 09, 2010 9:17 AM  
**To:** Andrew Spangler; 'ahoffman@raklaw.com'; 'patrick@prapllc.com'; 'alan@alanbrookspllc.com'; 'jmb@bustamantelegal.com'; 'mfenster@raklaw.com'; 'agiza@raklaw.com'; 'dan@pereziplaw.com'; 'david@PridhamIPLaw.com'; David Perlson; 'Eugene Novikov'; Todd Kennedy; Andrea P Roberts;

'davidrudolph@quinnemanuel.com'; 'aweiss@raklaw.com'; 'JAinsworth@WilsonLawfirm.com'

**Cc:** 'Rooklidge, William'; 'White, Jason'; 'Shah, Mansi'; 'Sherwin, Scott'; Jennifer Doan

**Subject:** RE: Bright Response v. Yahoo

Andrew,

Are you available for a meet and confer sometime this afternoon after 1:30pm central? We would like to discuss the proposed amended protective order. Please let us know a time that is convenient for plaintiff's counsel and we will set-up a call.

Thanks,

Josh

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**From:** Andrew Spangler [mailto:spangler@spanglerlawpc.com]

**Sent:** Tuesday, June 08, 2010 8:17 PM

**To:** Josh Thane; 'ahoffman@raklaw.com'; 'patrick@prapllc.com'; 'alan@alanbrookspllc.com'; 'jmb@bustamantelegal.com'; 'mfenster@raklaw.com'; 'agiza@raklaw.com'; 'dan@pereziplaw.com'; 'david@PridhamIPLaw.com'; David Perlson; 'Eugene Novikov'; Todd Kennedy; Andrea P Roberts; 'davidrudolph@quinnemanuel.com'; 'aweiss@raklaw.com'; 'JAinsworth@WilsonLawfirm.com'

**Cc:** 'Rooklidge, William'; 'White, Jason'; 'Shah, Mansi'; 'Sherwin, Scott'; Jennifer Doan

**Subject:** Re: Bright Response v. Yahoo

Counsel,

I will this the timely attention it deserves. Right now I am going to clean up my garage.

Regards,

Andrew Spangler

On 6/8/10 6:40 PM, "Josh Thane" <jthane@haltomdoan.com> wrote:

Counsel,

Please find attached our proposed amended protective order, which addresses Yahoo's confidentiality concerns and the Court's Order of June 2, 2010. For your convenience I have attached both in redline and redline accepted.

Regards,

Josh

**Josh Thane, J.D.**

Haltom & Doan

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