

# EXHIBIT A

**From:** [Andrew Spangler](#)  
**To:** [Josh Thane](#); [Yovits, Steven](#); [brightresponse@raklaw.com](mailto:brightresponse@raklaw.com); [David Pridham](#)  
**Cc:** [White, Jason](#); [Rooklidge, William](#); [Jennifer Doan](#); [Andrea P Roberts](#); [David Perlson](#); [amycandido@quinnemanuel.com](mailto:amycandido@quinnemanuel.com); [Sherwin, Scott](#); [Shah, Mansi](#); [Andrew Spangler](#)  
**Subject:** RE: Dr. Becker's Report  
**Date:** Monday, July 12, 2010 4:31:41 PM

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Mr. Thane,

I copy what I put below. I have no obligation – nor does Mr. Pridham – to answer your question. It is offensive. Mr. Pridham has complied with the terms of the Amended Protective Order. If that is unclear than you are welcome to call the Court and explain that to him. I have a call set for 4:30. The IPNav deposition is tomorrow afternoon and I will be traveling tomorrow as I am defending. However, if you really want to push this and have a hot-line call I can make myself available tomorrow morning while driving.

Just so you know, this is akin to Google and Yahoo's attempts to work into a PO in another case a requirement that my client in that case disclose the names of every attorney that worked on the prosecution matter so Yahoo and Google could "verify" that no one is violating the PO. I slapped that requirement down then and made clear we would never agree to such a verification and I am making abundantly clear again we will not agree to that.

If the Court wishes – and only if the Court wishes – I will gladly have an ex parte, in chambers, discussion with the Court regarding Mr. Pridham's role in this litigation but frankly it is not your concern as long as Mr. Pridham has complied with the terms of the PO. He has.

And you can ask again on other reports and other briefing, etc. and the answer will be the same each time: "Mr. Pridham has complied with the terms of the Amended Protective Order" because – unlike your client – he has.

Regards,  
Andrew W. Spangler

Mr. Yovitz,

I will let my co-counsel respond on the other issues but as for your accusations regarding Mr. Pridham let me make one thing very clear. There will be NO meet and confer. At this point I am still lead and local counsel. If you wish to proceed under Local Rule CV-7 then you are welcome to do so.

Your accusations about Mr. Pridham need to end immediately. I warned your co-counsel about this in prior written correspondence but apparently Yahoo simply ignored it. At this point it seems like the only Yahoo responds to is motion practice. I do not want to bury the Court in motions but I take - as does the Court's prior orders show - allegations of attorney misconduct very seriously. It is reaching the point where you leave me little choice.

Yahoo has a history - unlike my client or Mr. Pridham - for violating Court orders. Yahoo owes Bright Response and Mr. Pridham (who is now cc'd) an apology in light of your continued accusations. You represented when you pro haced that you read the rules. I would strongly encourage you to re-review Section AT.

Bright Response and its counsel follow Court orders. Period. If you have some evidence to support your allegation that Mr. Pridham is still on the Bright Response distribution list than provide it now. Neither Bright Response nor Mr. Pridham owe you any explanation or any affirmative representation that he is - or is not - on that email distribution list.

Also - you may want to check the Order. The Court specifically held Mr. Pridham can use his knowledge gained before the order to assist in the prosecution of the case. Assisting in the prosecution of the case would include assisting on expert reports I am sure you can agree.

If you wish to push this issue then please let me know. I will gather all of the correspondence from Yahoo and promptly provide it to the Court.

Regards,  
Andrew W. Spangler

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

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**From:** Josh Thane [mailto:jthane@haltomdoan.com]  
**Sent:** Monday, July 12, 2010 2:18 PM  
**To:** 'Yovits, Steven'; Andrew Spangler; brightresponse@raklaw.com; David Pridham  
**Cc:** White, Jason; Rooklidge, William; Jennifer Doan; Andrea P Roberts; David Perlson; amycandido@quinnemanuel.com; Sherwin, Scott; Shah, Mansi  
**Subject:** RE: Dr. Becker's Report

Counsel,

We still have not received a response to Mr. Yovits' emails below. Please confirm whether or not Mr. Pridham received the Becker and Rhyne expert reports. If you cannot confirm that Mr. Pridham has not received the Becker and Rhyne reports, then please provide a time that you are available this afternoon for a call with the Court. As previously stated, we would accept your representation and drop the matter once you give your confirmation that Mr. Pridham has not received such expert reports.

Thank you again for your attention to this matter.

Regards,  
Josh

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**From:** Yovits, Steven [mailto:YovitsS@howrey.com]  
**Sent:** Thursday, July 08, 2010 3:57 PM  
**To:** Andrew Spangler; brightresponse@raklaw.com; David Pridham  
**Cc:** White, Jason; Rooklidge, William; Jennifer Doan; Josh Thane; Andrea P Roberts; David Perlson; amycandido@quinnemanuel.com; Sherwin, Scott; Shah, Mansi  
**Subject:** RE: Dr. Becker's Report

Dear Counsel,

Further to my earlier e-mail (attached below), please respond today. If we do not hear from you by the end of the day, we will set up a hotline call tomorrow. When will you be available?

Thank you again for your attention to this matter.

Best regards,  
Steve

**Steven Yovits**  
**Partner**

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Madrid  
Munich New York Northern Virginia Paris Salt Lake City San Francisco Taipei  
Washington DC

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**From:** Yovits, Steven  
**Sent:** Thursday, July 08, 2010 12:11 PM  
**To:** Andrew Spangler; brightresponse@raklaw.com; David Pridham  
**Cc:** White, Jason; Rooklidge, William; \_Doan, Jennifer; jthane@haltomdoan.com; Andrea P  
Roberts; David Perlson; amycandido@quinnemanuel.com; Sherwin, Scott; Shah, Mansi  
**Subject:** RE: Dr. Becker's Report

Dear Andrew,

Thank you for your e-mail. To be clear, our question is this: **Has Mr. Pridham received the Becker and Rhyne reports? Please give us a yes or no answer, or indicate that you refuse to answer if that is your position.**

Thank you again for your attention to this.

Best regards,  
Steve

**Steven Yovits**  
**Partner**

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**From:** Andrew Spangler [mailto:Andrew@spanglerlawpc.com]  
**Sent:** Wednesday, July 07, 2010 9:43 PM  
**To:** Yovits, Steven; brightresponse@raklaw.com; David Pridham  
**Cc:** White, Jason; Rooklidge, William; \_Doan, Jennifer; jthane@haltomdoan.com; Andrea P Roberts; David Perlson; amycandido@quinnemanuel.com  
**Subject:** RE: Dr. Becker's Report

I will confirm Mr. Pridham has not violated the Protective Order.

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**From:** Yovits, Steven [mailto:YovitsS@howrey.com]  
**Sent:** Wednesday, July 07, 2010 9:34 PM  
**To:** Andrew Spangler; brightresponse@raklaw.com; David Pridham  
**Cc:** White, Jason; Rooklidge, William; \_Doan, Jennifer; jthane@haltomdoan.com; Andrea P Roberts; David Perlson; amycandido@quinnemanuel.com  
**Subject:** RE: Dr. Becker's Report

Dear Andrew,

Thank you for your prompt response to my email.

I certainly did not mean to accuse anyone of misconduct.

We know that at one time, Mr. Pridham was on the Bright Response distribution list. We also have in mind your letter to Jennifer Doan saying that any time we send an email to that distribution, you will assume we approve of Mr. Pridham receiving the message. This suggests that Mr. Pridham is still on the distribution list, but we cannot know for certain without asking. Can you please confirm that Mr. Pridham has not received the reports? Of course, we would accept your representation and drop the matter once you give your confirmation.

Thank you again for your attention to this matter.

Best regards,  
Steve

-----Original Message-----

From: Andrew Spangler [mailto:spangler@spanglerlawpc.com]  
Sent: Wed 7/7/2010 9:14 PM  
To: Yovits, Steven; brightresponse@raklaw.com; David Pridham  
Cc: White, Jason; Rooklidge, William; \_Doan, Jennifer; jthane@haltomdoan.com; Andrea P Roberts; David Perlson; amycandido@quinnemanuel.com  
Subject: Re: Dr. Becker's Report

Mr. Yovitz,

I will let my co-counsel respond on the other issues but as for your accusations regarding Mr. Pridham let me make one thing very clear. There will be NO meet and confer. At this point I am still lead and local counsel. If you wish to proceed under Local Rule CV-7 then you are welcome to do so.

Your accusations about Mr. Pridham need to end immediately. I warned your co-counsel about this in prior written correspondence but apparently Yahoo simply ignored it. At this point it seems like the only Yahoo responds to is motion practice. I do not want to bury the Court in motions but I take - as does the Court's prior orders show - allegations of attorney misconduct very seriously. It is reaching the point where you leave me little choice.

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Bright Response and its counsel follow Court orders. Period. If you have some evidence to support your allegation that Mr. Pridham is still on the Bright Response distribution list than provide it now. Neither Bright Response nor Mr. Pridham owe you any explanation or any affirmative representation that he is - or is not - on that email distribution list.

Also - you may want to check the Order. The Court specifically held Mr. Pridham can use his knowledge gained before the order to assist in the prosecution of the case. Assiting in the prosecution of the case would include assisting on expert reports I am sure you can agree.

If you wish to push this issue then please let me know. I will gather all of the correspondence from Yahoo and promptly provide it to the Court.

Regards,  
Andrew W. Spangler

On 7/7/10 7:35 PM, "Yovits, Steven" <YovitsS@howrey.com> wrote:

Counsel,

We have several issues with Dr. Becker's report that need to be promptly addressed.

First, Dr. Becker's report cites Google's license agreement with Stanford University. Because this appears to be Google confidential information, it is not clear to us that we should have access to such information without Google's consent, or that we may provide such information to our damages expert, Mary Woodford, without Google's consent. Please promptly confirm that you obtained that consent from Google so that we can provide our expert with the report she needs to rebut. It should go without saying that given the deadlines in this case, there is absolutely no room for Plaintiff to delay on this issue.

Second, there are several documents Dr. Becker relied upon that have not been produced in this litigation. Please produce those documents immediately.

Finally, it appears that the Bright Response group email address was cc'd when Bright Response served the Becker report (as well as the Rhyne report). We understand that Mr. Pridham is included in that group email address, but he should not have access to these reports under the Amended Protective Order. Please let us know when you are available for a meet and confer on this issue tomorrow.

Please respond today.

Regards,

Steven Yovits  
Partner

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