EXHIBIT C

Alexander C. Giza
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July 9, 2010

Via Email

> **Re:**   *Bright Response, LLC v. Google et al.*,
> **Case No. 2:07-cv-371-CE**

Dear Counsel:

As mentioned in my earlier letter concerning Dr. Branting and Defendants' intent to rely on him as a fact witness, I raise here another substantive issue of concern to Bright Response – particularly at this late date.

Bright Response's review of Defendants' invalidity report by Dr. Branting shows that Defendants intend to rely on numerous prior art references at trial that do not appear to have been disclosed or charted in Defendants' Supplemental Invalidity Contentions. Indeed, Bright Response believes that most of these references have not even been produced at all in this litigation. By our count, and without limitation, at this time we have determined there are 19 such references, which comprise the following:

1. The EZ Reader system

2. The Proceedings of the DARPA Workshop on Case-Based Reasoning, Pensacola Beach, FL, May 31-June 2 1989 (Morgan Kaufmann, San Mateo, CA)

3. The Proceedings of the DARPA Workshop on Case-Based Reasoning, Washington, D.C., May 8-10, 1991 (Morgan Kaufmann, San Mateo, CA)

4. The Proceedings of the DARPA Workshop on Case-Based Reasoning, Clearwater Beach, Fl, May 10-13 1988 (Morgan Kaufmann, San Mateo, CA)

5. Case-Based Reasoning Research and Development, Proceedings of the First International Conference, ICCBR-95, Sesimbra, Portugal, Lecture Notes in Artificial Intelligence 1010, Spring (1995).

6. Bergmann, R., Kolodner, J., and Plaza, E. 2005. Representation in case-based reasoning. Knowl. Eng. Rev. 20, 3 (Sept. 2005), 209-213 (citing examples from the early 1990's of each type of case representation).

7. Buchanan, B. G. and Shortliffe, E. H. 1984 Rule Based Expert Systems: the

Mycin Experiments of the Stanford Heuristic Programming Project (The Addison-Wesley Series in Artificial Intelligence). Addison-Wesley Longman Publishing Co., Inc.

8. L. Karl Branting and B. Porter, "Rules and Precedents as Complementary Warrants," Proceedings of the Ninth National Conference on Artificial Intelligence 1991 (AAAI-91) pp. 3-9.

9. M. Goodman, Prism: a case-based telex classifier, Proceedings of IAAI-90, p. 25-37 (1990).

10. Marc Damashek , Gauging Similarity with n-Grams: Language-Independent Categorization of Text (10 February 1995) Science 267 (5199), 843

11. Dietrich Wettschereck, David W. Aha, Weighting Features. ICCBR'95 347-358 (1995).

12. Tversky A, Features of Similarity. Psychological Review 84, 327-352 (1977). See http://www.scholarpedia.org/article/Similarity_measures.

13. Klaus-Dieter Althoff, Evaluating Case-based reasoning systems, in Aamodt, A., Althoff, K.-D., Magaldi, R. & Milne, R., Case-Based Reasoning: A New Force In Advanced Systems Development. Tutorial, London, Unicom Seminars & AI Intelligence, UK (1995).

14. M. Feret and J. Glasgow, Hybrid case-based reasoning for the diagnosis of complex devices, AAAI-93 proceedings, 168-175 (1993).

15. Richard Tansey, Michael, White, Rebecca G. Long, Mark Smith, A comparison of log linear modeling and logistic regression in management research, Vol. 22, No. 2, 339-358 (1996)).

16. Hosmer, D.W., & Lemeshow, S., Applied Logistic Regression, New York: Wiley, (1989)

17. Duda, R. O. and Hart, P. E. (1973) Pattern Classification and Scene Analysis, Wiley, pp. 140-141

18. P.Baldi, Gradient descent learning algorithm overview: a general dynamical systems perspective, IEEE Transactions on Neural Networks, 6:1 January 1995, pp. 182-195

19. Rosenblatt, F., Principles of Neurodynamics, New York: Spartan Books (1962)

Bright Response intends to move to strike these undisclosed references, as this is the only appropriate remedy for the late disclosure given the extreme prejudice to Bright Response at this late date. *See Finisar Corp. v. DirecTV Group, Inc.*, 424 F. Supp. 2d 896, 899 (E.D. Tex. 2006) (prohibiting party from relying at trial on references that were not disclosed earlier).

Accordingly, please be prepared to address this issue as well at today's meet and confer scheduled for 1 p.m. Central this afternoon.

Sincerely,

Russ, August & Kabat

/s/ *Alexander C. Giza*
Alexander C. Giza