

# EXHIBIT H

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**From:** Sherwin, Scott [mailto:SherwinS@howrey.com]

**Sent:** Friday, April 30, 2010 6:49 PM

**To:** David Pridham; Andrew Spangler; Patrick Anderson; John Bustamante; Liz Wiley; Marc Fenster; Adam Hoffman; Alex Giza; David Perlson; Polaris Google Team; Jennifer P. Ainsworth; White, Jason; Yovits, Steven; Shah, Mansi; \_Doan, Jennifer; Hodgson, Alissa; Sherwin, Scott; Andrew Weiss

**Subject:** BR - Joint Supplemental Invalidity Contentions and Other Issues

Counsel,

This email covers several topics: 1) Defendants' Proposed Supplemental Invalidity Contentions, 2) a Yahoo document production, 3) Plaintiff's 30(b)6 deposition of Yahoo!, and 4) Yahoo!'s Proposed Amended Answer.

1) Please see Defendant Yahoo!, Google, and AOL's Supplemental Invalidity Contentions. The zip file named "New" contains all of the documents that have been edited since Google and AOL filed their Supplemental Invalidity Contentions. The zip file named "Old" contains all of the documents that have not been edited since Google and AOL filed their Supplemental Invalidity Contentions.

These Supplemental Invalidity Contentions are due to plaintiff's supplementation of its infringement contentions, and in particular the addition of claim 33. Therefore, Defendants have identified new prior art, as discussed in detail in the attached files.

Below is a list of the edited documents in the zip file named "New":

- 1) Invalidity Contentions cover pleading (redline);
- 2) Invalidity References (Exhibit B) (redline);
- 3) Chart A-1 (changes highlighted);
- 4) Chart A-65 (changes highlighted);
- 5) Chart A-69 (new chart)
- 6) Chart A-70 (new chart).

Please let us know if you agree to the Defendants' Proposed Supplemental Invalidity Contentions, or please be prepared to discuss this issue on the next joint meet-and-confer, which is tentatively set for Tuesday, May 4, 2010.

2) A document production from Yahoo will follow in the mail, as the files are too large to send over email. The CD will be sent to Andrew Weiss, unless I hear differently from plaintiff.

3) Yahoo! will not be able to proceed with a 30(b)6 deposition on May 5, 2010. Yahoo! will provide dates when it is available in the near future.

4) Plaintiff has still not responded to Yahoo!'s several requests to file an Amended Answer. Yahoo!'s Proposed Amended Answer is nearly identical to the Amended Answer by Google and AOL, both of which

plaintiff has already agreed can be filed as an unopposed motion. In addition, plaintiff indicated that it would respond to Google and AOL regarding whether this motion should be filed as sealed or unsealed.

Therefore, please let us know if you agree to Yahoo!'s Proposed Amended Answer (sealed or unsealed), or please be prepared to discuss this issue on the next joint meet-and-confer, which is tentatively set for Tuesday, May 4, 2010.

If you have any other questions, please feel free to contact us.

Kind Regards,  
Scott

**Scott D. Sherwin**  
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