

EXHIBIT K

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March 3, 2009

VIA ELECTRONIC MAIL

Christin Cho
Dovel & Luner LLP
201 Santa Monica Boulevard, Suite 600
Santa Monica, CA 90401

Re: Performance Pricing, Inc. v. Google Inc. et al.

Dear Christin:

I write in response to your e-mail of March 3, 2009 regarding contention discovery in the above referenced matter.

In your e-mail you state that the *Jacobs Chuck* case is inapplicable because "Defendants have already disclosed their claim construction positions." *Jacobs Chuck*, however, in no way supports that contention discovery such as that served by Plaintiff Performance Pricing is appropriate after the parties' Joint Claim Construction Statement. Instead, the Court made clear that such discovery would only be appropriate sometime after the claim construction *order*. Indeed, in denying the motion to compel contention discovery, the *Jacobs Chuck* court only allowed the defendant to "renew its motion *after the court issues the claim construction opinion.*" *Jacobs Chuck Mfg. Co. v. Shandong Weida Mach., et al.*, Civil Action No. 2:05-CV-185, at *2 (E.D. Tex. 2006) (emphasis added).

You imply in your e-mail that there are "other things" that make the *Jacobs Chuck* case inapplicable to our case, but do not state them. If there are other reasons, please disclose them to us immediately and we will consider them. As it stands, it is our view that *Jacobs Chuck* is directly on point and we intend to follow this authority.

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As always, we remain willing to meet and confer to resolve any discovery issues, and hope that you similarly remain willing to work together on these issues in a timely and efficient manner. If you believe that a live discussion would be helpful, we are available to do so.

Cordially,

/s/ Emily C. O'Brien

Emily C. O'Brien