

EXHIBIT I

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August 12, 2009

VIA E-MAIL

Ari Rafilson
The Rafilson Law Firm, PLLC
1318 Royal Palm Lane
Carrollton, TX 75007

Re: [PA Advisors v. Google Inc., et al.; Bright Response v. Google Inc., et al.](#)

Dear Ari:

I write in response to your letter of today's date regarding the deposition of Johanna Shelton in *PA Advisors*. As has already been communicated to Plaintiff, the deposition will not go forward on August 14.

The parties met and conferred on this issue, and others, on July 20, 2009. It was Google's understanding that Plaintiff agreed at the meet and confer to withdraw the Shelton subpoena until after claim construction briefing had been completed. Plaintiff, however, did not withdraw the subpoena and continued to request a date for the deposition. On July 23, we asked you to explain in writing why Plaintiff believes the deposition of Ms. Shelton is necessary. You have not responded to my July 23 letter. On August 6, following the deposition of Mr. Schilace, we again asked you for any information as to why Plaintiff is demanding to take the deposition of Ms. Shelton. You refused to provide any such information and said you were unprepared to discuss the issue. As Mr. Cannon stated at that time, we are not aware that Ms. Shelton has any relevant information to this patent case and ask Plaintiff to explain its reasons for demanding the deposition.

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We are now in receipt of Bright Response's subpoenas for documents of Johanna Shelton, Pablo Chavez, Richard Sutherland Witt, Rob Tai, Alan Davidson, and Harry Wingo, all of which are policy analysts, counsel, and/or lobbyists from Google's Washington, D.C. office. Preliminarily, we believe it is improper for Plaintiffs to repeatedly send document subpoenas for Google employees. If Plaintiffs believe they are entitled to the documents requested, they should serve requests for production of documents, or identify such categories of documents in a letter to Google. Google will then respond appropriately. Plaintiffs should not use the subpoena process as an end-run around party discovery.

More importantly, it is apparent from the categories of documents requested of these individuals that Plaintiffs are improperly seeking discovery of protected lobbying and political activities and/or attorney-client privileged information. Given that these subpoenas and Ms. Shelton's deposition likely address the same issues, we propose that the parties agree to take Ms. Shelton's deposition off calendar, such that Google need not file a motion for a protective order on August 14, and meet and confer regarding the discoverability of Google lobbying efforts which will be applicable to both Ms. Shelton's deposition and the outstanding Bright Response subpoenas. Should the parties fail to reach agreement on the issue, then Google will file a motion for a protective order in both cases that will address the issue of Google lobbying and political participation. We believe it would be most efficient to simply address these issues together.

Also, Google recently had to file a motion for a protective order in *Bright Response* only to have Plaintiffs withdraw its subpoenas of Google executives after Google's motion was filed. This should not happen again and we ask for Plaintiff to confirm now whether it intends to oppose a motion for protective order as to Ms. Shelton's deposition.

In light of the above, we request Plaintiff agree to move the date of its PA Advisors' subpoena of Johanna Shelton for deposition to Friday, August 21, in particular to allow the parties time to negotiate an appropriate approach to resolving these issues. Please confirm that this is acceptable to Plaintiff by 2 pm Central time tomorrow.

Very truly yours,

/s/

Andrea Pallios Roberts

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