

Exhibit 9

From: Andrea P Roberts
Sent: Wednesday, February 10, 2010 6:35 PM
To: David Pridham; 'Gil Gillam'; A Spangler; 'whitej@howrey.com'; Marc Fenster
Cc: 'dhepburn@heplaw.com'; 'jmb@bustamantelegal.com'; 'lizwiley@wileyfirmnpc.com'; 'ahoffman@raklaw.com'; 'Patrick@praplpc.com'; Kip Glasscock; 'alan@alanbrookspc.com'; 'agiza@raklaw.com'; 'aweiss@raklaw.com'; Brian Cannon; David Perlson; PA Advisors v. Google; 'Melissa Smith'; 'RooklidgeW@howrey.com'; 'YovitsS@howrey.com'; 'jdoan@haltomdoan.com'
Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

Counsel,

With respect to Mossinghoff, the deposition needs to begin at 1 pm. Yahoo's counsel has agreed to permit use of its offices in Washington DC for the deposition. With respect to Fox, as my email stated, Fox is confirmed for Feb 17 in Blacksburg, Virginia, with a couple of hours on the morning of Feb 18 as necessary.

Yahoo will take Rhyne's deposition on February 18. Google can take Rhyne's deposition on February 17. Google intends to seek Court intervention if Rhyne is not made available for deposition prior to the last day of expert discovery. Please let us know whether Plaintiff will agree to additional time for these two depositions in light of the three reports offered by Rhyne.

It is unacceptable that Gordon may not be available for deposition prior to the February 19 close of expert discovery. This date was set by Judge Rader on December 28 and Gordon was disclosed as a witness under the Protective Order after that date. Google intends to seek Court intervention if he is not made available during the expert discovery period.

Further, your email makes the following misstatements:

- Any statements made during the January 28 meet and confer regarding the number of hours needed for Rhyne's deposition by Yahoo and Google were not incorrect as of that date. However, Rhyne subsequently submitted a rebuttal report on validity on February 1, 2010, making additional time necessary.
- During the February 8 call, we may have stated that Dr. Fox was available on the afternoon of February 16, but Plaintiff rejected that date and asked that his deposition take place the afternoon of February 17 and February 18. Because Plaintiff indicated that February 18 was preferable just two days ago, we worked with Dr. Fox to make that happen.
- The parties never agreed that the depositions of Mr. Ugone and Ms. Woodford would be the week of February 22. Rather, the parties agreed that damages-related depositions could be delayed until after February 19 to accommodate Mr. Becker's circumstances. The dates Mr. Ugone and Ms. Woodford are available after that date have been provided to Plaintiff several times now.

From: David Pridham [mailto:David@PridhamIPLaw.com]
Sent: Wednesday, February 10, 2010 4:11 PM
To: Andrea P Roberts; 'Gil Gillam'; A Spangler; 'whitej@howrey.com'; Marc Fenster
Cc: 'dhepburn@heplaw.com'; 'jmb@bustamantelegal.com'; 'lizwiley@wileyfirmnpc.com'; 'ahoffman@raklaw.com'; 'Patrick@praplpc.com'; Kip Glasscock; 'alan@alanbrookspc.com'; 'agiza@raklaw.com'; 'aweiss@raklaw.com'; Brian Cannon; David Perlson; PA Advisors v. Google; 'Melissa Smith'; 'RooklidgeW@howrey.com'; 'YovitsS@howrey.com'; 'jdoan@haltomdoan.com'; David Pridham
Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

Andrea,

This email responds to your email sent on February 9th at 11:51 PM.

1. Regarding Dr. Rhyne's deposition dates, nXn has provided the defendants with February 18 and 19 as proposed dates for Dr. Rhyne's deposition in Austin, Texas. Dr. Rhyne can be available for on each of these days for 7 hours of deposition time – which is the amount of time nXn agreed upon with you and Mr. Perlson during the January 28, 2010 meet and confer (during which you represented that 2 depositions days of 7 hours each would be sufficient for the defendants' depositions of Dr. Rhyne). To the extent that your representation was incorrect, and the defendants now would like more than the previously agreed upon 7 hours each with Dr. Rhyne, he can be available on February 24, 25 and 26 (until 12 noon) in Austin. To the extent the defendants prefer this approach nXn will not oppose moving out the necessary deadlines to accommodate those dates. Please let us know by end of business tomorrow which set of dates the defendants prefer as Dr. Rhyne has a previous commitment that needs to be slotted into the set of dates the defendants do not choose.
2. Regarding Mr. Mossinghoff and Mr. Gordon – during our January 28th meet and confer the parties agreed that each could be deposed for up to ½ day or up to 4 hours. nXn will accept the February 12th date for Mr. Mossinghoff's deposition in Washington, DC. Please provide a location and confirm a 9:30 AM start time for this deposition.
3. Regarding Mr. Gordon, nXn understands that the witness is in trial and that trial schedule would require pushing off his deposition until the week of February 22nd. nXn is checking again with Mr. Gordon regarding his availability before that date. We understand that he is in trial but we anticipate being back to you by the end of the week.
4. Regarding Mr. Fox. During the 2/8 call you stated that he could be available on the afternoon of February 16th and for a full day on February 17th. nXn accepts these dates. Please provide a location for this deposition and confirm a 1PM start time on February 16th.
5. nXn can confirm the Allen deposition for February 19th with a 9AM start time. Please provide the location in Northern California as soon as possible.
6. Regarding Mr. Ugone and Ms. Woodford, the parties agreed that their respective depositions would proceed the week of February 22nd. Postponing these depositions until the week of March 1 is not acceptable. Please provide dates for these depositions the week of February 22nd immediately.

Best,
David

From: Andrea P Roberts [mailto:andreaproberts@quinnemanuel.com]

Sent: Tuesday, February 09, 2010 11:51 PM

To: 'Gil Gillam'; A Spangler; 'whitej@howrey.com'; Marc Fenster

Cc: David Pridham; 'dhepburn@heplaw.com'; 'jmb@bustamantelegal.com'; 'lizwiley@wileyfirmnpc.com'; 'ahoffman@raklaw.com'; 'Patrick@praplpc.com'; Kip Glasscock; 'alan@alanbrookspplc.com'; 'agiza@raklaw.com'; 'aweiss@raklaw.com'; Brian Cannon; David Perlson; PA Advisors v. Google; 'Melissa Smith'; 'RooklidgeW@howrey.com'; 'YovitsS@howrey.com'; 'jdoan@haltomdoan.com'

Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

Importance: High

Below is a summary of the scheduling issues from the conference call of Feb 8, 2010 and communications today:

Defendants' validity expert Peters: confirmed for February 9. This deposition proceeded today.

Plaintiff's infringement/validity expert Thomas Rhyne: this witness was first offered for the week of February 8 (D. Hepburn email of January 15, 2010). Then on last Wednesday's call and during the Feb 8 call, plaintiff said

Rhyne would be available only on February 16-17. Yahoo confirmed for Feb 17. Today, Marc Fenster informed us that Rhyne is only available on Feb 18-19. This is unacceptable. Plaintiff cannot repeatedly postpone this witness to the very end of the discovery, effectively depriving us of preparing a Daubert motion and objections. Please re-confirm Feb 16-17 as previously offered. If you do not reconfirm Feb 16-17 by noon tomorrow California time, we will seek relief from the court. Additionally, please provide a response to Defendants' request for additional deposition time with Rhyne in light of the fact he submitted three reports.

Defendants expert Mossinghoff re inequitable conduct: We have not received confirmation that the deposition is going forward on February 12 (at this point February 11 is not an option anymore). Our lawyers are flying out tomorrow so please confirm one way or another by 9 am Pacific so that we do not fly to DC unnecessarily.

Plaintiff's expert Gordon re inequitable conduct: plaintiff has not provided a date before the February 19 cut off. We request a date or will seek relief from the court.

Google's technical expert Fox: This is confirmed for Feb 17 in Blacksburg, Virginia. Plaintiff has requested 10 hours of deposition. This exceeds the 7-hour rule of depositions. We will not object to going over the 7 hours to complete the deposition in a reasonable manner on Feb 17. However a 10-hour deposition day will likely be excessive. If the deposition is not complete on Feb 17, Fox will be available on the morning of Feb 18 from 8-10 am.

Yahoo's technical expert Allen: confirmed for February 19 in Northern California

Plaintiff's damages Becker: confirmed for February 23 and 24. Per prior agreement due to Becker's personal situation, the damages depositions have been delayed.

Google's damages expert Ugone: offered for March 5. Please confirm.

Yahoo's damages expert Woodford: offered for March 2 in Washington DC. Please confirm.

From: Gil Gillam [mailto:gil@GillamSmithLaw.com]

Sent: Monday, February 08, 2010 9:24 AM

To: Andrew Spangler; Andrea P Roberts; whitej@howrey.com; mfenster@raklaw.com

Cc: David@pridhamiplaw.com; dhepburn@heplaw.com; jmb@bustamantelegal.com; lizwiley@wileyfirmnpc.com; ahoffman@raklaw.com; Patrick@praplpc.com; kipglasscock@hotmail.com; alan@alanbrookspilc.com; agiza@raklaw.com; aweiss@raklaw.com; Brian Cannon; David Perlson; PA Advisors v. Google; Melissa Smith; RooklidgeW@howrey.com; YovitsS@howrey.com; jdoan@haltomdoan.com

Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

Andrew--With your 11:30 to 1:30 Central conflict, we propose 2:00 Central. On the call for Google will be Brian Cannon, Melissa and me. On the call for Yahoo will be Jason White and Jennifer Doan. If this is satisfactory and meets your schedule let us know. Who will attend the call for your side?

Call in information would be:

1-866-939-8416

Passcode 228784

Let me know. Thanks. Gil

From: Andrew Spangler [mailto:Andrew@spanglerlawpc.com]

Sent: Monday, February 08, 2010 11:16 AM

To: Andrea P Roberts; whitej@howrey.com; mfenster@raklaw.com

Cc: David@pridhamiplaw.com; Gil Gillam; dhepburn@heplaw.com; jmb@bustamantelegal.com;

lizwiley@wileyfirmnpc.com; ahoffman@raklaw.com; Patrick@prapllc.com; kipglasscock@hotmail.com; alan@alanbrookspllc.com; agiza@raklaw.com; aweiss@raklaw.com; Brian Cannon; David Perlson; PA Advisors v. Google; Melissa Smith; RooklidgeW@howrey.com; YovitsS@howrey.com; jdoan@haltomdoan.com; Andrew Spangler

Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

Andrea,

I have not heard back from you. When can you give me any more specificity than mid to late morning? It is already mid-morning. Please respond immediately.

Yahoo – any word?

Andrew W. Spangler
Spangler Law P.C.
208 N. Green Street, Suite 300
Longview, Texas 75601
(903) 753-9300 Voice
(903) 553-0403 Fax
spangler@spanglerlawpc.com

From: Andrea P Roberts [mailto:andreaproberts@quinnemanuel.com]

Sent: Monday, February 08, 2010 10:24 AM

To: Andrew Spangler; 'whitej@howrey.com'; 'mfenster@raklaw.com'

Cc: 'David@pridhamiplaw.com'; 'gil@gillamsmithlaw.com'; 'dhepburn@heplaw.com'; 'jmb@bustamantelegal.com'; 'lizwiley@wileyfirmnpc.com'; 'ahoffman@raklaw.com'; 'Patrick@prapllc.com'; 'kipglasscock@hotmail.com';

'alan@alanbrookspllc.com'; 'agiza@raklaw.com'; 'aweiss@raklaw.com'; Brian Cannon; David Perlson; PA Advisors v. Google; 'melissa@gillamsmithlaw.com'; 'RooklidgeW@howrey.com'; 'YovitsS@howrey.com'; 'jdoan@haltomdoan.com'

Subject: Re: nXn Tech, LLC v. Google, Inc., et al.

Google is available mid to late morning Pacific time.

From: Andrew Spangler <Andrew@spanglerlawpc.com>

To: White, Jason <whitej@howrey.com>; mfenster@raklaw.com <mfenster@raklaw.com>

Cc: David@pridhamiplaw.com <David@pridhamiplaw.com>; Andrea P Roberts; gil@gillamsmithlaw.com <gil@gillamsmithlaw.com>; dhepburn@heplaw.com <dhepburn@heplaw.com>; jmb@bustamantelegal.com <jmb@bustamantelegal.com>; lizwiley@wileyfirmnpc.com <lizwiley@wileyfirmnpc.com>; ahoffman@raklaw.com <ahoffman@raklaw.com>; Patrick@prapllc.com <Patrick@prapllc.com>; kipglasscock@hotmail.com <kipglasscock@hotmail.com>; alan@alanbrookspllc.com <alan@alanbrookspllc.com>; agiza@raklaw.com <agiza@raklaw.com>; aweiss@raklaw.com <aweiss@raklaw.com>; Brian Cannon; David Perlson; PA Advisors v. Google; melissa@gillamsmithlaw.com <melissa@gillamsmithlaw.com>; Rooklidge, William <RooklidgeW@howrey.com>; Yovits, Steven <YovitsS@howrey.com>; jdoan@haltomdoan.com <jdoan@haltomdoan.com>

Sent: Mon Feb 08 06:16:13 2010

Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

Google and Yahoo,

When will you be available for a call today? We need to have this call immediately – especially as everyone will soon be on planes, in depots, etc. which will make setting up calls very problematic to schedule.

Andrew W. Spangler
Spangler Law P.C.
208 N. Green Street, Suite 300
Longview, Texas 75601

(903) 753-9300 Voice
(903) 553-0403 Fax
spangler@spanglerlawpc.com

From: White, Jason [mailto:whitej@howrey.com]

Sent: Saturday, February 06, 2010 6:38 PM

To: mfenster@raklaw.com

Cc: David@pridhamiplaw.com; andreaproberts@quinnemanuel.com; Andrew Spangler; Andrew Spangler; gil@gillamsmithlaw.com; dhepburn@heplaw.com; jmb@bustamantelegal.com; lizwiley@wileyfirmnpc.com; ahoffman@raklaw.com; Patrick@praplpc.com; kipglasscock@hotmail.com; alan@alanbrookspllc.com; agiza@raklaw.com; aweiss@raklaw.com; brianannon@quinnemanuel.com; davidperelson@quinnemanuel.com; PAAAdvisorsv.Google@quinnemanuel.com; melissa@gillamsmithlaw.com; Rooklidge, William; Yovits, Steven; jdoan@haltomdoan.com

Subject: Re: nXn Tech, LLC v. Google, Inc., et al.

Marc - the defendants will agree to the extensions.

From: Marc Fenster <mfenster@raklaw.com>

To: White, Jason

Cc: David@pridhamiplaw.com <David@pridhamiplaw.com>; andreaproberts@quinnemanuel.com <andreaproberts@quinnemanuel.com>; spangler@spanglerlawpc.com <spangler@spanglerlawpc.com>; andrew@spanglerlawpc.com <andrew@spanglerlawpc.com>; _Gillam, Harry; dhepburn@heplaw.com <dhepburn@heplaw.com>; jmb@bustamantelegal.com <jmb@bustamantelegal.com>; lizwiley@wileyfirmnpc.com <lizwiley@wileyfirmnpc.com>; ahoffman@raklaw.com <ahoffman@raklaw.com>; Patrick@praplpc.com <Patrick@praplpc.com>; kipglasscock@hotmail.com <kipglasscock@hotmail.com>; alan@alanbrookspllc.com <alan@alanbrookspllc.com>; agiza@raklaw.com <agiza@raklaw.com>; aweiss@raklaw.com <aweiss@raklaw.com>; brianannon@quinnemanuel.com <brianannon@quinnemanuel.com>; davidperelson@quinnemanuel.com <davidperelson@quinnemanuel.com>; PAAAdvisorsv.Google@quinnemanuel.com <PAAAdvisorsv.Google@quinnemanuel.com>; _Smith, Melissa; Rooklidge, William; Yovits, Steven; _Doan, Jennifer

Sent: Sat Feb 06 18:28:25 2010

Subject: Re: nXn Tech, LLC v. Google, Inc., et al.

We can take Peters on 2/9 if Defendants will agree to a 1 day extension on the MSJs. We can agree to a similar 1 day extension on the replies. Please advise.

Marc Fenster
Russ, August & Kabat
12424 Wilshire Blvd, Ste 1200
Los Angeles, CA 90025
310-979-8278 (direct)
310-826-7474 (main)
mfenster@raklaw.com

On Feb 6, 2010, at 12:59 PM, White, Jason wrote:

Marc - Mr. Peters is not available any of those days. He scheduled around the 9th so that is the only day that will work. Let us know what you want to do.

Jason

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

From: Marc Fenster <mfenster@raklaw.com>

To: david Pridham <David@pridhamiplaw.com>; White, Jason; andreaproberts@quinnemanuel.com
<andreaproberts@quinnemanuel.com>

Cc: Andrew Spangler <spangler@spanglerlawpc.com>; A Spangler <andrew@spanglerlawpc.com>; _Gillam, Harry; Debera Hepburn
<dhepburn@heplaw.com>; John Bustamante <jmb@bustamantelegal.com>; Liz Wiley <lizwiley@wileyfirmmpc.com>; Adam
Hoffman <ahoffman@raklaw.com>; Patrick Anderson <Patrick@praplpc.com>; Kip Glasscock <kipglasscock@hotmail.com>; Alan
Brooks <alan@alanbrookspc.com>; Alex Giza <agiza@raklaw.com>; Andrew Weiss <aweiss@raklaw.com>; Brian Cannon
<briancannon@quinnemanuel.com>; davidperelson@quinnemanuel.com <davidperelson@quinnemanuel.com>;

PAAdvisorsv.Google@quinnemanuel.com <PAAdvisorsv.Google@quinnemanuel.com>; _Smith, Melissa; Rooklidge, William;
Yovits, Steven; _Doan, Jennifer

Sent: Sat Feb 06 08:30:29 2010

Subject: Re: nXn Tech, LLC v. Google, Inc., et al.

Jason,

Sorry for the confusion, but I hadn't spoken to David, and we can't confirm Peters just yet. I will be taking the Peters deposition, and our oppositions to the MSJs are due 2/9. Is Peters available any of 2/10, 2/11, 2/12, 2/13 or 2/14? We either need to move Peters to one of those days, or need an extra day on the opps. Can you please check Peters' availability for those other days?

Thanks much,
Marc

Marc Fenster
Russ, August & Kabat
12424 Wilshire Blvd, Ste 1200
Los Angeles, CA 90025
310-979-8278 (direct)
310-826-7474 (main)
mfenster@raklaw.com

On Feb 6, 2010, at 4:42 AM, David Pridham wrote:

> Jason,
> I apologize for not getting back to you sooner but I was travelling
> yesterday. nXn advised Ms. Roberts last week that it was accepting
> the 2/9 date for Peters in California. I am confirming that again
> by this email. That said, the parties need to meet and confer on a
> number of issues in this case, including the length of time allotted
> for the Peters and Fox depositions (this issue was raised with Ms.
> Roberts last week and nXn's requests were ignored in her proposed
> schedule) and the DCO. nXn's counsel will make itself available
> Monday for a meet and confer. Please suggest some times ASAP so we
> can get this on calendar.

> Best,
> David

>

> From: White, Jason [<mailto:whitej@howrey.com>]

> Sent: Friday, February 05, 2010 9:25 PM

> To: spangler@spanglerlawpc.com; A Spangler; gil@gillamsmithlaw.com; andreaproberts@quinnemanuel.com

>; dhepburn@heplaw.com; David Pridham; Marc Fenster; jmb@bustamantelegal.com

>; lizwiley@wileyfirmmpc.com; ahoffman@raklaw.com;

> Patrick@praplpc.com; Kip Glasscock; alan@alanbrookspc.com; agiza@raklaw.com

> ; aweiss@raklaw.com
> Cc: briancannon@quinnemanuel.com; davidperlson@quinnemanuel.com; PAAdvisorsv.Google@quinnemanuel.com
> ; melissa@gillamsmithlaw.com; Rooklidge, William; Yovits, Steven; jdoan@haltomdoan.com
> Subject: Re: nXn Tech, LLC v. Google, Inc., et al.
>
> Andrew -
>
> We understand that your guys are working on getting back to us about
> the deposition schedule, but we cannot wait indefinitely for
> plaintiff's response about Mr. Peters depositions, which we set for
> next Tuesday at plaintiff's request. We have tried several times
> over the last week or so to get a response from plaintiff about this
> deposition, but we have yet to receive one.
>
> We are not trying to be difficult, but Mr. Peters and several
> attorneys for the defendants are holding dates for his deposition,
> and I have already made travel plans, including a flight that leaves
> on Sunday. If plaintiff isn't planning on taking his deposition on
> Tuesday we need to know right away, as I need to cancel my
> reservations tomorrow. We also cannot hold these dates indefinitely
> without a commitment from plaintiff.
>
> We need to set a deadline for resolving this issue one way or the
> other, so we ask that plaintiff provide a response on this issue by
> noon tomorrow. If plaintiff does not confirm by noon tomorrow that
> it will take Mr. Peters's deposition next Tuesday, I will cancel my
> travel plans and we will tell Mr. Peters that he no longer has to
> hold open this time. Please understand that it is very unlikely that
> another date will be available for his deposition before the expert
> discovery close. We will await plaintiff's response.
>
> I don't know what Jennifer is doing today, but I do know that she
> had an all day meeting and that she would not be reachable during
> her meeting. Again, after I am able to speak with her, we will let
> you know when we can talk with you next week.
>
> Jason
>
>
> From: Andrew Spangler <spangler@spanglerlawpc.com>
> To: White, Jason; Andrew@spanglerlawpc.com
> <Andrew@spanglerlawpc.com>; _Gillam, Harry; andreaproberts@quinnemanuel.com
> <andreaproberts@quinnemanuel.com>; dhepburn@heplaw.com <dhepburn@heplaw.com
> >; David@PridhamIPLaw.com <David@PridhamIPLaw.com>; mfenster@raklaw.com
> <mfenster@raklaw.com>; jmb@bustamantelegal.com <jmb@bustamantelegal.com
> >; lizwiley@wileyfirm.com <lizwiley@wileyfirm.com>; ahoffman@raklaw.com
> <ahoffman@raklaw.com>; Patrick@praplpc.com <Patrick@praplpc.com>; kipglasscock@hotmail.com
> <kipglasscock@hotmail.com>; alan@alanbrookspc.com <alan@alanbrookspc.com
> >; agiza@raklaw.com <agiza@raklaw.com>; aweiss@raklaw.com <aweiss@raklaw.com
> >
> Cc: briancannon@quinnemanuel.com <briancannon@quinnemanuel.com>; davidperlson@quinnemanuel.com
> <davidperlson@quinnemanuel.com>;
> PAAdvisorsv.Google@quinnemanuel.com <PAAdvisorsv.Google@quinnemanuel.com
> >; _Smith, Melissa; Rooklidge, William; Yovits, Steven; _Doan,
> Jennifer
> Sent: Fri Feb 05 20:01:45 2010
> Subject: Re: nXn Tech, LLC v. Google, Inc., et al.
> Jason,
>
> I am not trying to argue with you. I am trying to be clear but it
> appears I am not. Let me try one more time.

- >
- > 1. My guys will try and get you a response regarding the
- > depositions. I know they have been diligently working on this but
- > we have scheduling issues and things don't necessarily go the way
- > Defendants wish. This is a reason why I believe a full meet and
- > confer will be necessary.
- > 2. All I have asked for is a time on Monday. Nothing more. How is
- > that unreasonable? I know people travel but everyone has email and
- > a PDA with a calendar on it. The idea that after a few days and
- > multiple requests I can't get a time from either defendant seems
- > extremely unreasonable.
- > 3. Again, we will get our positions regarding the depositions as
- > soon as we can.
- > 4. Again, what time on Monday is Yahoo and/or Google available for
- > a full meet and confer?

> Have a good weekend.

> On 2/5/10 6:54 PM, "White, Jason" <whitej@howrey.com> wrote:
> Andrew -

> I don't believe that anyone has said that we won't agree to speak
> with you next week. As Josh explained earlier, Jennifer has been
> tied up all day, and after I get a chance to speak with her, we will
> let you know when we can talk.

> The more pressing issue, which Andrea has raised several times
> without receiving a response from you, is the scheduling of
> depositions, some of which are set for next week. At a minimum, we
> would like confirmation that you are going to proceed with the
> depositions scheduled for next week, as we have already made travel
> plans. I don't believe that that is an unreasonable request given
> that it is now very late in the day on Friday.

> Jason

> ----- Original Message -----

> From: Andrew Spangler <Andrew@spanglerlawpc.com>
> To: _Gillam, Harry; andreaproberts@quinnemanuel.com <andreaproberts@quinnemanuel.com
> >; dhepburn@heplaw.com <dhepburn@heplaw.com>; David@PridhamIPLaw.com
> <David@PridhamIPLaw.com>; mfenster@raklaw.com <mfenster@raklaw.com>; jmb@bustamantelegal.com
> <jmb@bustamantelegal.com>; lizwiley@wileyfirm.com <lizwiley@wileyfirm.com
> >; ahoffman@raklaw.com <ahoffman@raklaw.com>; Patrick@prapllc.com <Patrick@prapllc.com
> >; kipglasscock@hotmail.com <kipglasscock@hotmail.com>; alan@alanbrookspllc.com
> <alan@alanbrookspllc.com>; agiza@raklaw.com <agiza@raklaw.com>; aweiss@raklaw.com
> <aweiss@raklaw.com>
> Cc: briancannon@quinnemanuel.com <briancannon@quinnemanuel.com>; davidperison@quinnemanuel.com
> <davidperison@quinnemanuel.com>;
> PAAdvisorsv.Google@quinnemanuel.com <PAAdvisorsv.Google@quinnemanuel.com
> >; _Smith, Melissa; White, Jason; Rooklidge, William; Yovits,
> Steven; _Doan, Jennifer; Andrew Spangler <Andrew@spanglerlawpc.com>
> Sent: Fri Feb 05 19:34:51 2010
> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

> Gil,

> I hate to bother you when traveling. Family time is very
> important. However, we need to get some full meet and confers lined
> up. If we need to set some in stone twice a week for the next three

> weeks just so those times are carved out then fine. If nothing
> comes up we don't call but if so, the time is already on everyone's
> schedule.
>
> We are discovering issues other than meet and confers, including
> possible motions to strike, late filed SJs, etc. Not all of these
> are fully fleshed out. They need to be discussed - and quickly. In
> light of the deadlines the Court needs to be aware of them. Pre-
> trial is less than one month away.
>
> Everyone in this case is busy and has a lot going on but making time
> for meet and confers is very important - and it needs to happen. I
> don't know why people can't appreciate it at this compressed time in
> the case.
>
> As for scheduling, we are working on all of this but based on what I
> heard on the last call and have seen from the emails I suspect there
> will be some real disputes over this and that one of (or all three-I
> suppose) the parties will be seeking relief from the Court regarding
> scheduling and time allotment of depositions. In light of the
> compressed timetable and the importance of these depositions for
> everyone I don't see how we can agree to calls without lead and
> local on the call. This needs to be a final call regarding the
> depositions so the parties can seek relief if necessary.
>
> Again, I strongly urge you to reconsider and provide times on Monday
> for a full meet and confer. Please be prepared to discuss any
> issues you have on Monday as well.

> Regards,

> Andrew W. Spangler
> Spangler Law P.C.
> 208 N. Green Street, Suite 300
> Longview, Texas 75601
> (903) 753-9300 Voice
> (903) 553-0403 Fax
> spangler@spanglerlawpc.com

> -----Original Message-----

> From: Gil Gillam [<mailto:gil@GillamSmithLaw.com>]
> Sent: Friday, February 05, 2010 5:25 PM
> To: andreaproberts@quinnemanuel.com; dhepburn@heplaw.com; David@PridhamIPLaw.com
> ; mfenster@raklaw.com; jmb@bustamantelegal.com; lizwiley@wileyfirmpc.com
> ; ahoffman@raklaw.com; Patrick@praplpc.com;
> kipglasscock@hotmail.com; alan@alanbrookspc.com; agiza@raklaw.com; aweiss@raklaw.com
> ; Andrew Spangler
> Cc: briancannon@quinnemanuel.com; davidperlson@quinnemanuel.com; PAAdvisorsv.Google@quinnemanuel.com
> ; melissa@GillamSmithLaw.com; gil@GillamSmithLaw.com; whitej@howrey.com
> ; RooklidgeW@howrey.com; YovitsS@howrey.com; jdoan@haltomdoan.com
> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

> I am traveling with my family and have just gotten to look at the
> email chain. While it is indeed necessary to have all on calls
> before a motion is filed, it looks to me
> like these are just scheduling issues. Maybe there are more issues
> but that is what it looks like from Andrea's email. There is no
> reason to have lead and local on that kind of thing. Andrew--whats
> the story on the depos? All these need confirmation one way or the
> other so they can be completed during the discovery period.

> Message Sent with NotifySync

>

> -----Original Message-----

>

> From: Andrew@spanglerlawpc.com

> Sent: Fri, 05 Feb 2010 16:40:49 America/Chicago

> To: andreaproberts@quinnemanuel.com, dhepburn@heplaw.com, David@PridhamIPLaw.com

> ,mfenster@raklaw.com

> ,jimb@bustamantelegal.com, lizwiley@wileyfirmnpc.com, ahoffman@raklaw.com

> ,Patrick

> ,praplpc.com, kipglasscock@hotmail.com, alan@alanbrookspllc.com, agiza@raklaw.com

> ,aweiss@raklaw.com

> CC: briancannon@quinnemanuel.com, davidperlson@quinnemanuel.com, PAAdvisorsv.Google@quinnemanuel.com

> ,melissa@GillamSmithLaw.com, gil@GillamSmithLaw.com, whitej@howrey.com, RooklidgeW@howrey.com

> ,YovitsS@howrey.com, jdoan@haltomdoan.com

> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

>

> Andrea,

>

> My people will try and address these issues as soon as possible. I

> doubt all of it will be resolved by e-mail.

>

> There was - and still is - no point to any meet and confer if your

> lead and local counsel will not be on the call. Accordingly, I did

> not provide a call-in number.

>

> I am available anytime Monday other than 11:30-1:30 CST. Please

> provide times you can have your lead and local counsel on the phone

> as required by the Federal Rules on Monday.

>

> Have a good weekend.

>

> Andrew W. Spangler

> Spangler Law P.C.

> 208 N. Green Street, Suite 300

> Longview, Texas 75601

> (903) 753-9300 Voice

> (903) 553-0403 Fax

> spangler@spanglerlawpc.com

>

>

> -----Original Message-----

> From: Andrea P Roberts [<mailto:andreaproberts@quinnemanuel.com>]

> Sent: Friday, February 05, 2010 4:23 PM

> To: Andrea P Roberts; Andrew Spangler; dhepburn@heplaw.com; David@PridhamIPLaw.com

> ; mfenster@raklaw.com; jimb@bustamantelegal.com; lizwiley@wileyfirmnpc.com

> ; ahoffman@raklaw.com; Patrick@praplpc.com;

> kipglasscock@hotmail.com; alan@alanbrookspllc.com; agiza@raklaw.com; aweiss@raklaw.com

> Cc: Brian Cannon; David Perlson; PA Advisors v. Google; melissa@GillamSmithLaw.com

> ; gil@GillamSmithLaw.com; whitej@howrey.com; RooklidgeW@howrey.com; YovitsS@howrey.com

> ; jdoan@haltomdoan.com

> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

>

> Counsel:

>

> We made ourselves available at 1:30 pm central today at Mr.

> Spangler's request and then Plaintiff's counsel apparently chose not

> to go forward with this call. As we previously indicated, we

> believe that most, if not all, of these issues can be discussed

> further via email. But, they do need to be addressed now.

> Plaintiff has yet to confirm several deposition dates or provide

> dates within the expert discovery period on which its experts are
> available. We need answers to the questions below:

>
> 1) We are operating as though Dr. Peters' deposition will go
> forward on Tuesday, February 9. We have not heard otherwise from
> Plaintiff. If this is not the case, please let us know.

>
> 2) Will Plaintiff depose Mr. Mossinghoff in DC on February 11
> or 12?

>
> 3) On January 15, Ms. Hepburn offered the week of February 8
> for Dr. Rhyne's deposition and on January 21, defendants accepted
> that offer and asked for the specific dates Dr. Rhyne is available
> that week. We ask again, what dates during the week of February 8
> is Dr. Rhyne available for deposition?

>
> 4) Will Plaintiff confirm that it will depose Allen in Boston
> on February 19?

>
> 5) Will Plaintiff confirm that it will depose Woodford in DC on
> March 2?

>
> 6) Will Plaintiff confirm that it will depose Ugone in Redwood
> Shores on March 5?

>
> 7) Will Plaintiff make Gordon available for deposition prior to
> the February 19 close of expert discovery? Or will Plaintiff be
> moving for leave to extend the expert discovery period beyond the
> February 19 deadline set by Judge Rader?

>
> 8) If Plaintiff is making Gordon available prior to February
> 19, then do we have permission to file the latest version of the
> docket control order? During our call on Wednesday Plaintiff's
> counsel indicated that it agreed with the dates therein, but for the
> March 4 deposition date offered for Gordon.

>
> Finally, regarding oral argument, Defendants agree to state to the
> Court that "If the Court believes argument would be helpful to the
> pending motions for summary judgment, the parties suggest that it
> not be delayed beyond March 1."

>
>
>
>
> -----Original Message-----

> From: Andrea P Roberts

> Sent: Friday, February 05, 2010 11:31 AM

> To: Andrea P Roberts; Andrew Spangler; dhepburn@heplaw.com; David@PridhamIPLaw.com

> ; mfenster@raklaw.com; jmb@bustamantelegal.com; lizwiley@wileyfirmnpc.com

> ; ahoffman@raklaw.com; Patrick@prapllc.com;

> kipglasscock@hotmail.com; alan@alanbrookspllc.com; agiza@raklaw.com; aweiss@raklaw.com

> Cc: Brian Cannon; David Perlson; PA Advisors v. Google; melissa@GillamSmithLaw.com

> ; gil@GillamSmithLaw.com; whitej@howrey.com; RooklidgeW@howrey.com; YovitsS@howrey.com

> ; jdoan@haltomdoan.com

> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

>
> Andrew: Are we having this call? If so, please circulate a call-in
> number. It's my understanding that both of our local counsel are
> traveling today.

>
> Andrea Roberts

> -----Original Message-----

> From: Andrea P Roberts
> Sent: Friday, February 05, 2010 11:00 AM
> To: 'Andrew Spangler'; dhepburn@heplaw.com; David@PridhamIPLaw.com; mfenster@raklaw.com
> ; jmb@bustamantelegal.com; lizwiley@wileyfirmnpc.com; ahoffman@raklaw.com
> ; Patrick@praplpc.com; kipglasscock@hotmail.com; alan@alanbrookspllc.com
> ; agiza@raklaw.com; aweiss@raklaw.com
> Cc: Brian Cannon; David Perlson; PA Advisors v. Google; melissa@GillamSmithLaw.com
> ; gil@GillamSmithLaw.com; whitej@howrey.com; RooklidgeW@howrey.com; YovitsS@howrey.com
> ; jdoan@haltomdoan.com
> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

> Andrew,

> David and I and representatives from Yahoo are available at 1:30
> central today. We do not yet know whether local counsel is
> available at that time. But, we do not believe we can delay any
> further confirming all of the expert deposition dates.

> Please circulate a call-in number we can use.

> Andrea Roberts

> -----Original Message-----

> From: Andrew Spangler [<mailto:Andrew@spanglerlawpc.com>]
> Sent: Friday, February 05, 2010 10:20 AM
> To: Andrew@spanglerlawpc.com; dhepburn@heplaw.com; David@PridhamIPLaw.com
> ; mfenster@raklaw.com; jmb@bustamantelegal.com; lizwiley@wileyfirmnpc.com
> ; ahoffman@raklaw.com; Patrick@praplpc.com;
> kipglasscock@hotmail.com; alan@alanbrookspllc.com; agiza@raklaw.com; aweiss@raklaw.com
> ; Andrea P Roberts
> Cc: Brian Cannon; David Perlson; PA Advisors v. Google; melissa@GillamSmithLaw.com
> ; gil@GillamSmithLaw.com; whitej@howrey.com; RooklidgeW@howrey.com; YovitsS@howrey.com
> ; jdoan@haltomdoan.com
> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

> Andrea

> We need to adress a number of issues and as disputes over timing etc
> on reports are discovery related and will need to be brought to
> Court attention immediately if not resolved lead and local counsel
> must be on the call.

> As I said everyone - especially lead and local - need to make
> themselves available on a regular basis. Please let me know when
> your lead and local counsel can be on a call today.

> Message Sent with NotifySync

> -----Original Message-----

> From: andreaproberts@quinnemanuel.com
> Sent: Fri, 05 Feb 2010 12:13:37 America/Chicago
> To: Andrew@spanglerlawpc.com, dhepburn@heplaw.com, David@PridhamIPLaw.com
> , mfenster@raklaw.com, jmb@bustamantelegal.com, lizwiley@wileyfirmnpc.com, ahoffman@raklaw.com
> , Patrick@praplpc.com, kipglasscock@hotmail.com, alan@alanbrookspllc.com, agiza@raklaw.com
> , aweiss@raklaw.com
> CC: briancannon@quinnemanuel.com, davidperlson@quinnemanuel.com, PAAdvisorsv.Google@quinnemanuel.com
> , melissa@GillamSmithLaw.com, gil@GillamSmithLaw.com, whitej@howrey.com, RooklidgeW@howrey.com
> , YovitsS@howrey.com, jdoan@haltomdoan.com

> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

>

> Andrew: we won't be able to deal with everything all at once today
> but we need to address the expert deposition schedule, which is
> pressing. I and a Yahoo representative are available at 1:30
> Central. Can we talk then? We do not need everyone on the line to
> deal with this. Thanks.

>

> Andrea Roberts

>

> From: Andrew Spangler [<mailto:Andrew@spanglerlawpc.com>]
> Sent: Friday, February 05, 2010 9:16 AM
> To: Andrea P Roberts; dhepburn@heplaw.com; David Pridham; Marc
> Fenster; John Bustamante; Liz Wiley; Adam Hoffman; Patrick Anderson;
> Kip Glasscock; alan@alanbrookspllc.com; agiza@raklaw.com; aweiss@raklaw.com
> Cc: Brian Cannon; David Perlson; PA Advisors v. Google; Melissa
> Smith; Gil Gillam; White, Jason; Rooklidge, William; Yovits, Steven;
> Doan, Jennifer
> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

>

> Andrea and Jennifer,

>

> We need to keep discussing depo dates, amount of time, oral
> arguments, DCO, etc. I also think that there will be limited time
> to get all the lawyers together for a call over the next few weeks
> so if the parties have anything pending or coming up in near future
> we should discuss it. I have not vetted this with all my folks yet
> but has been how I handled case in the past - plus it just seems
> logical. If you think of anything please raise it on the call. An
> omnibus discussion should take place today so the parties can
> prepare/resolve any issues over the weekend. Both parties need to
> step up their game in terms of expedited issue addressment (not sure
> that is a word).

>

> Again, please provide a time for a call today.

>

> Yahoo please do so as well.

>

> Andrew W. Spangler
> Spangler Law P.C.
> 208 N. Green Street, Suite 300
> Longview, Texas 75601
> (903) 753-9300 Voice
> (903) 553-0403 Fax
> spangler@spanglerlawpc.com

>

> From: Andrea P Roberts [<mailto:andreaproberts@quinnemanuel.com>]
> Sent: Thursday, February 04, 2010 7:28 PM
> To: Andrew Spangler; dhepburn@heplaw.com; 'David Pridham'; 'Marc
> Fenster'; 'John Bustamante'; 'Liz Wiley'; 'Adam Hoffman'; 'Patrick
> Anderson'; 'Kip Glasscock'; alan@alanbrookspllc.com;
> agiza@raklaw.com; aweiss@raklaw.com
> Cc: Brian Cannon; David Perlson; PA Advisors v. Google; 'Melissa
> Smith'; 'Gil Gillam'; White, Jason; Rooklidge, William; Yovits,
> Steven; Doan, Jennifer
> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

>

> Andrew,

>

> If you'd like to discuss the schedule set forth below, please feel
> free to give me a call. If there are dates you can confirm via

> email, please do so, particularly for those dates that are next
> week. If there are dates with which there are issues, please let us
> know by email so we can begin to work through those issues. At this
> point, we do not have the luxury of time to delay discussing these
> issues until all of the parties can get on a conference call at the
> same time.

>
> I'm not aware of what "any other pending issue to discuss in the
> case" is referring to. If there is something specific to which you
> are referring, please identify what that is.

>
> Thank you,

>
> Andrea Roberts

>
> From: Andrew Spangler [<mailto:spangler@spanglerlawpc.com>]
> Sent: Thursday, February 04, 2010 4:46 PM
> To: Andrea P Roberts; dhepburn@heplaw.com; 'David Pridham'; 'Marc
> Fenster'; 'John Bustamante'; 'Liz Wiley'; 'Adam Hoffman'; 'Patrick
> Anderson'; 'Kip Glasscock'; alan@alanbrookspc.com;
> agiza@raklaw.com; aweiss@raklaw.com
> Cc: Brian Cannon; David Perlson; PA Advisors v. Google; 'Melissa
> Smith'; 'Gil Gillam'; White, Jason; Rooklidge, William; Yovits,
> Steven; _Doan, Jennifer
> Subject: Re: nXn Tech, LLC v. Google, Inc., et al.

>
> Andrea,

>
> Please provide some times tomorrow when your team can talk regarding
> scheduling and any other pending issue to discuss in the case.
> Earlier in the day is preferred.

>
> On 2/4/10 1:00 PM, "Andrea P Roberts"
> <andreaproberts@quinnemanuel.com> wrote:
> Counsel:

>
> To follow up on our call yesterday, we can confirm the schedule below:

>
> February 9 - Peters in Redwood Shores, California. THIS DATE IS
> CONFIRMED. Due to the delay in confirming expert deposition dates,
> Dr. Peters is no longer available on February 8. Defendants do not
> agree that multiple days of deposition are necessary because Dr.
> Peters did not submit different opinions on behalf of each
> Defendant. Due to Dr. Peters' schedule, the deposition cannot begin
> until 10 am on February 9.

>
> February 11 or 12 - Mossinghoff in Washington, DC. We understand
> Plaintiff is checking the availability of this date.

>
> February 16 and 17 - Plaintiff offered Dr. Rhyne in Austin, TX.
> Please provide dates the week of February 8 when Dr. Rhyne is
> available. Dr. Rhyne needs to be made available prior to the
> depositions of Allen and Fox. It is not reasonable that Plaintiff
> offered to make its first expert available for deposition just four
> days prior to the close of expert discovery. Please provide earlier
> dates.

>
> February 17 - Fox in Virginia. THIS DATE IS CONFIRMED. Dr. Fox is
> not available on February 18; nor do Defendants agree that multiple
> days of deposition are necessary or warranted.

>
> February 19 - Allen in Boston.
>
> February 23 and 24 - Becker in Austin, Texas. THESE DATES ARE
> CONFIRMED
>
> March 2 - Woodford in Washington, DC.
>
> March 4 - Plaintiff offered Gordon in Washington, DC, stating that
> he is not available for deposition prior to that date. Please
> provide dates prior to the February 19 close of expert discovery.
> The Court set that deadline during the December 28 hearing and the
> parties cannot unilaterally change that date. Judge Rader gave the
> parties permission to extend damages discovery beyond that date due
> to Dr. Becker's circumstances. He did not extend the deadline for
> all expert discovery and Defendants do not agree to do so.
> Accordingly, Plaintiff needs to make this witness available for
> deposition prior to the Court's deadline, or seek leave of Court to
> make him available later.
>
> March 5 - Ugone in Redwood Shores, California. We understand that
> Plaintiff is checking the availability of this date.
>
> We look forward to your prompt response regarding the remaining
> outstanding dates.
>
>
> Andrea Pallios Roberts
> Associate,
> Quinn Emanuel Urquhart Oliver & Hedges LLP.
>
> 555 Twin Dolphin Drive, 5th Floor
> Redwood Shores, CA 94065
> 650-801-5023 Direct
> 650.801.5000 Main Office Number
> 650.801.5100 FAX
> andreaproberts@quinnemanuel.com
> www.quinnemanuel.com <<http://www.quinnemanuel.com/>><<http://www.quinnemanuel.com/>>
> <<http://www.quinnemanuel.com/>><<http://www.quinnemanuel.com/>>
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> delete the original message.
>
>
>
>
>
>
>
>
>
> From: Debera Hepburn [<mailto:dhepburn@heplaw.com>]
> Sent: Wednesday, February 03, 2010 11:52 AM
> To: Andrea P Roberts; 'David Pridham'; Brian Cannon; sandrews@haltomdoan.com
> ; jdoan@haltomdoan.com; 'Rooklidge, William'; jthane@haltomdoan.com;
> 'White, Jason'; David Perlson; 'Melissa Smith'; 'Gil Gillam'; Alison

> Monahan; PA Advisors v. Google
> Cc: 'Andrew Spangler'; 'Marc Fenster'; 'John Bustamante'; 'Liz
> Wiley'; 'Adam Hoffman'; 'Patrick Anderson'; 'Kip Glasscock'; alan@alanbrookspllc.com
> ; agiza@raklaw.com; aweiss@raklaw.com
> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

>
> Please use the following dial-in information for today's 3:00PM
> Central call:
>
> Telephone: 1-605-475-6333
> Code: 263912

> Best Regards,

>
> Debera W. Hepburn
> dhepburn@heplaw.com
> Tel: (214) 403-4882
> Fax: (888) 205-8791

> PRIVILEGED AND CONFIDENTIAL * ATTORNEY-CLIENT COMMUNICATION *
> ATTORNEY WORK PRODUCT

>
> From: Andrea P Roberts [<mailto:andreaproberts@quinnemanuel.com>]
> Sent: Wednesday, February 03, 2010 1:48 PM
> To: David Pridham; 'dhepburn@heplaw.com'; Brian Cannon; 'sandrews@haltomdoan.com
> '; 'jdoan@haltomdoan.com'; 'Rooklidge, William'; 'jthane@haltomdoan.com
> '; 'White, Jason'; David Perlson; 'Melissa Smith'; 'Gil Gillam';
> Alison Monahan; PA Advisors v. Google
> Cc: 'Andrew Spangler'; Marc Fenster; 'John Bustamante'; 'Liz Wiley';
> 'Adam Hoffman'; 'Patrick Anderson'; Kip Glasscock; alan@alanbrookspllc.com
> ; 'agiza@raklaw.com'; 'aweiss@raklaw.com'
> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

> David,

> Defendants are available at 3 pm Central. Please circulate a call-
> in number we can use.

> Andrea

>
> From: David Pridham [<mailto:David@PridhamIPLaw.com>]
> Sent: Wednesday, February 03, 2010 10:31 AM
> To: Andrea P Roberts; 'dhepburn@heplaw.com'; Brian Cannon; 'sandrews@haltomdoan.com
> '; 'jdoan@haltomdoan.com'; 'Rooklidge, William'; 'jthane@haltomdoan.com
> '; 'White, Jason'; David Perlson; 'Melissa Smith'; 'Gil Gillam';
> Alison Monahan; PA Advisors v. Google
> Cc: 'Andrew Spangler'; Marc Fenster; 'John Bustamante'; 'Liz Wiley';
> 'Adam Hoffman'; 'Patrick Anderson'; Kip Glasscock; alan@alanbrookspllc.com
> ; 'agiza@raklaw.com'; 'aweiss@raklaw.com'
> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

> Andrea,

> Are the defendants available to discuss these issues today at 3:00
> central?

> David

> From: Andrea P Roberts [<mailto:andreaproberts@quinnemanuel.com>]
> Sent: Tuesday, February 02, 2010 9:11 PM
> To: 'dhepburn@heplaw.com'; Brian Cannon; 'sandrews@haltomdoan.com'; 'jdoan@haltomdoan.com
> '; 'Rooklidge, William'; 'jthane@haltomdoan.com'; 'White, Jason';
> David Perlson; 'Melissa Smith'; 'Gil Gillam'; Alison Monahan; PA
> Advisors v. Google
> Cc: David Pridham; 'Andrew Spangler'; Marc Fenster; 'John
> Bustamante'; 'Liz Wiley'; 'Adam Hoffman'; 'Patrick Anderson'; Kip
> Glasscock; 'alan@alanbrookspc.com'; 'agiza@raklaw.com'; 'aweiss@raklaw.com
> '
> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

> Counsel,

> We do not agree to the proposed sur-reply dates. Judge Rader set
> the summary judgment schedule, he did not provide for sur-replies,
> and the amended docket control order reflects the schedule he set.
> With respect to expert discovery, we do not agree to an extension of
> time generally. But, in light of Dr. Becker's schedule, we agree to
> postponing the close of damages discovery and related motion
> practice. This is what the parties discussed last week. The
> attached amended docket control order reflects this. Defendants
> will produce their damages experts after Dr. Becker is made
> available for deposition.

> We would like to nail down the expert discovery schedule as
> depositions will begin next week. Mr. Yovitz and I tried to reach
> Mr. Fenster today to discuss scheduling, but could not reach him.
> Please provide a response to the proposed schedule circulated last
> week (with the exception of the depositions we had proposed occur
> this week) or propose times tomorrow during which your team is
> available to discuss scheduling.

> Andrea Pallios Roberts
> Quinn Emanuel Urquhart Oliver & Hedges, LLP
> 555 Twin Dolphin Drive, Suite 560
> Redwood Shores, CA 94065
> Direct: (650) 801-5023
> Main Phone: (650) 801-5000
> Main Fax: (650) 801-5100
> E-mail: andreaproberts@quinnemanuel.com <<mailto:username@quinnemanuel.com>>

> <<mailto:username@quinnemanuel.com>><<mailto:username@quinnemanuel.com>><<mailto:username@quinnemanuel.com>>
> >
> Web: www.quinnemanuel.com <<http://www.quinnemanuel.com/>><<http://www.quinnemanuel.com/>>
> ><<http://www.quinnemanuel.com/>><<http://www.quinnemanuel.com/>>

> From: Debera Hepburn [<mailto:dhepburn@heplaw.com>]
> Sent: Tuesday, February 02, 2010 3:13 PM
> To: Andrea P Roberts; Brian Cannon; sandrews@haltomdoan.com; jdoan@haltomdoan.com
> ; 'Rooklidge, William'; 'jthane@haltomdoan.com'; 'White, Jason'; David
> Perlson; 'Melissa Smith'; 'Gil Gillam'; Alison Monahan; PA Advisors
> v. Google
> Cc: 'David Pridham'; 'Andrew Spangler'; 'Marc Fenster'; 'John
> Bustamante'; 'Liz Wiley'; 'Adam Hoffman'; 'Patrick Anderson'; 'Kip
> Glasscock'; alan@alanbrookspc.com; agiza@raklaw.com; aweiss@raklaw.com

> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

>

> Counsel,

>

> nXn agrees to defendants' proposed DCO with the addition of the
> deadline for sur-replies to MSJs shown as a redlined revision in the
> attached. If defendants agree to the deadline for sur-replies,
> please proceed with filing the DCO.

>

>

>

> Best Regards,

>

> Debera W. Hepburn

> dhepburn@heplaw.com

> Tel: (214) 403-4882

> Fax: (888) 205-8791

>

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>

>

> From: Andrea P Roberts [<mailto:andreaproberts@quinnemanuel.com>]

> Sent: Monday, January 18, 2010 1:53 PM

> To: dhepburn@heplaw.com; Brian Cannon; sandrews@haltomdoan.com; jdoan@haltomdoan.com

> ; 'Rooklidge, William'; jthane@haltomdoan.com; 'White, Jason'; David

> Perlson; 'Melissa Smith'; 'Gil Gillam'; Alison Monahan; PA Advisors

> v. Google

> Cc: 'David Pridham'; 'Andrew Spangler'; 'Marc Fenster'; 'John

> Bustamante'; 'Liz Wiley'; 'Adam Hoffman'; 'Patrick Anderson'; 'Kip

> Glasscock'

> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

>

> Counsel,

>

> Attached is a revised version of the case schedule.

>

> Thank you,

>

>

> Andrea Pallios Roberts

> Quinn Emanuel Urquhart Oliver & Hedges, LLP

> 555 Twin Dolphin Drive, Suite 560

> Redwood Shores, CA 94065

> Direct: (650) 801-5023

> Main Phone: (650) 801-5000

> Main Fax: (650) 801-5100

> E-mail: andreaproberts@quinnemanuel.com <<mailto:username@quinnemanuel.com>>

>>

> <<mailto:username@quinnemanuel.com>><<mailto:username@quinnemanuel.com>><<mailto:username@quinnemanuel.com>>

>>

> Web: www.quinnemanuel.com <<http://www.quinnemanuel.com/>><<http://www.quinnemanuel.com/>>

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> From: Debera Hepburn [<mailto:dhepburn@heplaw.com>]

> Sent: Wednesday, December 30, 2009 11:17 AM

> To: Brian Cannon; sandrews@haltomdoan.com; jdoan@haltomdoan.com;

> 'Rooklidge, William'; jthane@haltomdoan.com; 'White, Jason'; David

> Perlson; Andrea P Roberts; 'Melissa Smith'; 'Gil Gillam'; Alison
> Monahan; PA Advisors v. Google
> Cc: 'David Pridham'; 'Andrew Spangler'; 'Marc Fenster'; 'John
> Bustamante'; 'Liz Wiley'; 'Adam Hoffman'; 'Patrick Anderson'; 'Kip
> Glasscock'
> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

> Brian,

> I have attached the amended schedule while retaining the format of
> the DCO for ease of comparison to the DCO. Accordingly, some of the
> entries do not have a corresponding DCO Step number because they
> were not original entries on the DCO. I've included those entries
> for the sake of completeness.

> Best Regards,

> Debera W. Hepburn
> dhepburn@heplaw.com
> Tel: (214) 403-4882
> Fax: (888) 205-8791

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> From: Brian Cannon [<mailto:briancannon@quinnemanuel.com>]
> Sent: Tuesday, December 29, 2009 3:57 PM
> To: dhepburn@heplaw.com; sandrews@haltomdoan.com;
> jdoan@haltomdoan.com; 'Rooklidge, William'; jthane@haltomdoan.com;
> 'White, Jason'; David Perlson; Andrea P Roberts; 'Melissa Smith';
> 'Gil Gillam'; Alison Monahan; PA Advisors v. Google
> Cc: 'David Pridham'; 'Andrew Spangler'; 'Marc Fenster'; 'John
> Bustamante'; 'Liz Wiley'; 'Adam Hoffman'; 'Patrick Anderson'; 'Kip
> Glasscock'
> Subject: RE: nXn Tech, LLC v. Google, Inc., et al.

> Debera:

> The chart is generally OK, but is missing the following dates:

> Opposition to dispositive motions: 1/25
> Reply briefs to dispositive motions: 1/29
> Motions in Limine: 2/19
> Response to Motions in Limine: 2/24

> Items 41 and 42 should refer to "Defendants" not just Google
> Item 42 should not refer to "MILs" as they have a different deadline

> Brian

> From: Debera Hepburn [<mailto:dhepburn@heplaw.com>]
> Sent: Tuesday, December 29, 2009 9:16 AM
> To: sandrews@haltomdoan.com; jdoan@haltomdoan.com; 'Rooklidge,
> William'; jthane@haltomdoan.com; 'White, Jason'; Brian Cannon; David
> Perlson; Andrea P Roberts; 'Melissa Smith'; 'Gil Gillam'; Alison
> Monahan; PA Advisors v. Google
> Cc: 'David Pridham'; 'Andrew Spangler'; 'Marc Fenster'; 'John
> Bustamante'; 'Liz Wiley'; 'Adam Hoffman'; 'Patrick Anderson'; 'Kip

> Glasscock'
> Subject: nXn Tech, LLC v. Google, Inc., et al.
>
> Counsel,
>
> I have attached a spreadsheet which reflects nXn's understanding of
> the changes in the DCO as discussed during yesterday's status
> conference. It has come to our attention that DCO item #s 40 and 41
> were not discussed during the conference so we have proposed
> deadlines (highlighted in yellow) for those items. The proposal
> reflects the same timeframe that was reflected in the previous DCO.
>
> Please let us know whether you are in agreement with the proposal
> for item #s 40 and 41 or provide a counterproposal for the same.
>
>

> Best Regards,
>
> Debera W. Hepburn
> Hepburn Law Firm PLLC
> P.O. Box 118218
> Carrollton, Texas 75011
> Tel: (214) 403-4882
> Fax: (888) 205-8791
> dhepburn@heplaw.com
>

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>
> Andrew W. Spangler
> Spangler Law P.C.
> 208 N. Green St., Suite 300
> Longview, Texas 75601
> (903) 753-9300 Office
> (903) 553-0403 Fax
> spangler@spanglerlawpc.com

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>
> Andrew W. Spangler
> Spangler Law P.C.
> 208 N. Green St., Suite 300
> Longview, Texas 75601
> (903) 753-9300 Office
> (903) 553-0403 Fax
> spangler@spanglerlawpc.com

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