

# Exhibit 4

From: Marc Fenster  
Sent: Friday, February 12, 2010 4:07 PM  
To: David Perlson  
Subject: Re: Amended DCO

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**From:** Marc Fenster [mailto:mfenster@raklaw.com]  
**Sent:** Friday, February 12, 2010 3:48 PM  
**To:** David Perlson  
**Cc:** David Pridham; Brian Cannon  
**Subject:** Re: Amended DCO

David,  
This will confirm that you refused to produce Fox on Feb. 17-18 as you previously agreed, and for which you have confirmed on multiple occasions that he is available. You have represented that Fox is available March 3-4. Please hold those dates. We reserve all rights.

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](mailto:mfenster@raklaw.com)

On Feb 12, 2010, at 3:36 PM, David Perlson wrote:

Thanks.

Can you please call me re experts?

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**From:** Marc Fenster [mailto:mfenster@raklaw.com]  
**Sent:** Friday, February 12, 2010 3:20 PM  
**To:** David Perlson  
**Cc:** David Pridham; Brian Cannon  
**Subject:** Re: Amended DCO

David,  
We are in agreement regarding moving these three dates from 2/15 to 2/17. As to the rest, we will send a redline over the weekend with the aim of filing monday or tuesday, as these depend on what is finalized regarding experts.

Thanks,  
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](mailto:mfenster@raklaw.com)

On Feb 12, 2010, at 2:25 PM, David Perlson wrote:

Marc or David, can you give me call. 415-875-6344. Want to try to wrap this stuff up. David

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**From:** David Perlson  
**Sent:** Friday, February 12, 2010 12:57 PM  
**To:** 'David Pridham'  
**Cc:** Brian Cannon; 'Marc Fenster'  
**Subject:** Amended DCO

David, as we discussed yesterday, attached is the draft Amended DCO we had sent. You had indicated you thought we could move the dates for disclosures on 2 15 to 2 17. These are:

38	Parties make pretrial disclosures	2/15/10
40	Plaintiff to provide Defendants with information for Joint Final Pretrial Order, proposed Jury Instructions and Verdict Form	2/15/10
41	Defendants to provide Plaintiff with information for Joint Final Pretrial Order, proposed Jury Instructions and Verdict Form	2/15/10

Please confirm that is acceptable. Also, we should get closure on the DCO and submit it the Court so everyone is on the same page re dates.

Thanks,

David