

# Exhibit 2

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

**Sent:** Thursday, January 21, 2010 3:42 PM

**To:** 'Yovits, Steven'; 'David Pridham'; 'Andrew Weiss'; 'Andrew Spangler'; 'Marc Fenster'; 'John Bustamante'; 'Patrick Anderson'; 'Adam Hoffman'

**Cc:** 'White, Jason'; 'Rooklidge, William'; 'Liz Wiley'; 'Kip Glasscock'; alan@alanbrookspllc.com; 'Alex Giza'; David Perlson; Brian Cannon; 'Smith, Brian'

**Subject:** RE: Depositions of nXn's Expert Witnesses

Steve,

Last week, nXn sent an email to counsel for Google and Yahoo requesting a meet-and-confer with defendants to discuss the length of time for each of the upcoming expert depositions. As you know, the parties need to discuss this issue and agree on an approach prior to scheduling these depositions. Accordingly, please provide times that the defendants are available for a meet-and-confer on January 22d to discuss the same. In addition, nXn's counsel will be available during this call to discuss the dates for all expert depositions assuming the defendants are in a position to do the same.

*Best Regards,*

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

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**From:** Yovits, Steven [mailto:YovitsS@howrey.com]

**Sent:** Thursday, January 21, 2010 5:16 PM

**To:** Yovits, Steven; dhepburn@heplaw.com; David Pridham; Andrew Weiss; Andrew Spangler; Marc Fenster; John

Bustamante; Patrick Anderson; Adam Hoffman

**Cc:** White, Jason; Rooklidge, William; Liz Wiley; Kip Glasscock; alan@alanbrookspllc.com; Alex Giza; David Perlson; Brian Cannon; Smith, Brian

**Subject:** RE: Depositions of nXn's Expert Witnesses

Dear Debera,

Following up on my prior e-mail (below), we would like to change our proposal for Dr. Becker to Feb. 2 and 3. Please let us know if that will work for you.

Thanks,  
Steve

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**From:** Yovits, Steven

**Sent:** Thursday, January 21, 2010 5:01 PM

**To:** dhepburn@heplaw.com; 'David Pridham'; 'Andrew Weiss'; 'Andrew Spangler'; 'Marc Fenster'; 'John Bustamante'; 'Patrick Anderson'; 'Adam Hoffman'

**Cc:** White, Jason; Rooklidge, William; Liz Wiley; Kip Glasscock; alan@alanbrookspllc.com; Alex Giza; David Perlson; Brian Cannon; Smith, Brian

**Subject:** RE: Depositions of nXn's Expert Witnesses

Dear Debera,

Yahoo and Google accept your offer to make Dr. Rhyne available for deposition the week of February 8 (one day for Yahoo and one day for Google). Please let us know which two days that week work best.

Unfortunately, the week of February 8 will not work for us to depose Dr. Becker. We propose February 1 and 2. Please let us know whether that will work for you.

Thank you,  
Steve

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

**Sent:** Friday, January 15, 2010 9:40 AM

**To:** Yovits, Steven; 'David Pridham'; 'Andrew Weiss'; 'Andrew Spangler'; 'Marc Fenster'; 'John Bustamante'; 'Patrick Anderson'; 'Adam Hoffman'

**Cc:** White, Jason; Rooklidge, William; Liz Wiley; Kip Glasscock; alan@alanbrookspllc.com; Alex Giza

**Subject:** RE: Depositions of nXn's Expert Witnesses

Counsel,

We are unable to make next week work for expert depositions. Given the availability of our experts, the week of February 8th works for depositions. Please let us know if this timeframe works for you.

*Best Regards,*

*Debera W. Hepburn  
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**From:** Yovits, Steven [mailto:YovitsS@howrey.com]

**Sent:** Thursday, January 14, 2010 11:07 AM

**To:** David Pridham; Andrew Weiss; Andrew Spangler; Marc Fenster; John Bustamante; Patrick Anderson; dhepburn@heplaw.com; Adam Hoffman

**Cc:** White, Jason; Rooklidge, William

**Subject:** Depositions of nXn's Expert Witnesses

Dear Counsel:

We have not heard back from you with available dates for expert depositions next week. Please let us know as soon as possible.

Thank you,  
Steve

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**From:** Yovits, Steven

**Sent:** Monday, January 11, 2010 1:19 PM

**To:** David Pridham; Andrew Weiss; Andrew Spangler; Marc Fenster; John Bustamante; Patrick Anderson; dhepburn@heplaw.com; Adam Hoffman

**Cc:** White, Jason; Rooklidge, William; Smith, Brian

**Subject:** Depositions of nXn's Expert Witnesses

Dear Counsel:

Please provide available dates when we can depose Plaintiff's experts next week.

Thank you,  
Steve

**Steven Yovits**  
Partner

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