

Exhibit 5

From: Andrea P Roberts
Sent: Tuesday, February 02, 2010 6:11 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@alanbrookspilc.com'; 'agiza@raklaw.com'; 'aweiss@raklaw.com'
Subject: RE: nXn Tech, LLC v. Google, Inc., et al.
Attachments: 3308863_2.2.10 Amended DCO_N (2).doc

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
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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@alanbrookspilc.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
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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
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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
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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
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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,

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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'
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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,

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