

# EXHIBIT B

**From:** [Shvodian, Daniel T. \(Perkins Coie\)](#)  
**To:** [Cameron H. Tousi](#); ["Altersohn, Allison"](#); ["Rowland, Mark D."](#); ["David Farnum"](#); ["Mike Jones"](#); [jovallery@potterminton.com](#); [michaelsmith@siebman.com](#); [pammatthews@siebman.com](#); [tammycherry@siebman.com](#); [mark.rowland@earthlink.net](#); [larryphillips@siebman.com](#); [kellyjohnson@siebman.com](#); [siebmanecfin@texoma.net](#); ["Splaine, Carol"](#); ["Perry, Robert"](#); ["Allen Gardner"](#); [bdavis@bdavisfirm.com](#); [sue@bdavisfirm.com](#); [davidfarnum@netscape.net](#); ["Clements, Matthew"](#); ["Court Alert"](#); [ctousi@gmail.com](#); ["Ralph Albrecht"](#); [ralph.p.albrecht@gmail.com](#); [Valentine, James \(Perkins Coie\)](#); [Hockin, Laurie \(Perkins Coie\)](#); ["Dykema, Erik"](#)  
**Subject:** RE: RE: WRT's infringement contentions; Wireless Recognition Technologies LLC v. A9.com, Inc., et al.  
**Date:** Thursday, May 12, 2011 12:05:15 PM

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Cameron,

We dispute several points in your account of the procedural history regarding the negotiation and filing of the Docket Control and Discovery Orders, including your failure to make any mention of the substance of the parties' meet-and-confer held on March 4 or the teleconferences that occurred between counsel on March 23, the day the proposed Docket Control and Discovery Orders were filed.

Nevertheless, in the hope of moving this issue forward, we repeat our proposal that the parties agree to the cases being consolidated for all purposes except trial. Given that trial is over two years away, there is no need to resolve at this time whether the cases will be consolidated for trial. Moreover, in light of the pending motion to transfer, the chance that one or more of the parties may settle, that certain claims or accused products could be eliminated from the case by stipulation or motion, and that all of the claims of the '474 patent currently stand rejected in a reexamination proceeding before the PTO, there is simply no reason to bother the Court and to cause the parties to expend money prematurely litigating this issue.

Accordingly, Defendants propose that the parties agree that the Discovery Order and all of the dates of the Docket Control Order up through the conclusion of dispositive motion briefing on August 23, 2013 shall apply to all four cases. The remaining dates in the Docket Control Order after August 23, 2013, which all concern trial, will not apply to the latter three cases unless there is an agreement by the parties or an order by the Court, which can be requested by any party at a later time if necessary. Given that the date for infringement contentions in the Docket Control Order has passed, Defendants further propose, in accordance with your letter, that WRT serve its initial disclosures and its infringement contentions for the latter three cases by May 26.

We believe that this proposal is the most reasonable way to resolve this dispute without involving the Court and to minimize the expenses to the parties. Please let us know if WRT will agree. If WRT will not agree to this proposal and moves forward with a motion to consolidate, Defendants will oppose the motion and/or move to stay it until at least after the motion to transfer is decided.

We are available to meet and confer regarding this issue on Friday, May 27 at 1:00 EST, if necessary.

Regards,  
Dan

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**From:** Cameron H. Tousi [mailto:chtousi@atfirm.com]  
**Sent:** Wednesday, May 11, 2011 11:41 AM  
**To:** Shvodian, Daniel T. (Perkins Coie); 'Altersohn, Allison'; 'Rowland, Mark D.'; 'David Farnum'; 'Mike Jones'; [jovallery@potterminton.com](#); [michaelsmith@siebman.com](#); [pammatthews@siebman.com](#); [tammycherry@siebman.com](#); [mark.rowland@earthlink.net](#); [larryphillips@siebman.com](#); [kellyjohnson@siebman.com](#); [siebmanecfin@texoma.net](#); 'Splaine, Carol'; 'Perry, Robert'; 'Allen Gardner'; [bdavis@bdavisfirm.com](#); [sue@bdavisfirm.com](#); [davidfarnum@netscape.net](#); 'Clements, Matthew'; 'Court Alert'; [ctousi@gmail.com](#); 'Ralph Albrecht'; [ralph.p.albrecht@gmail.com](#); Valentine, James (Perkins Coie); Hockin, Laurie (Perkins Coie); 'Dykema, Erik'; 'Cameron H. Tousi'  
**Subject:** RE: RE: WRT's infringement contentions; Wireless Recognition Technologies LLC v. A9.com,

Inc., et al.

Allison, Dan and other Counsel,

Please find attached WRT's response to your latest communications.

In view of the apparent confusion regarding the consolidation issue, WRT presently requests stipulation to consolidation by the close of business on this Friday, 5/13/2011. For clarification, WRT is seeking full consolidation, i.e., for all purposes. If you require additional time for client approval and the like, please let us know at your earliest convenience, and we will make every reasonable attempt to accommodate your respective schedules.

Regards,  
Cameron

Cameron H. Tousi, Esq.  
Partner

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**From:** Shvodian, Daniel T. (Perkins Coie) [mailto:DShvodian@perkinscoie.com]  
**Sent:** Tuesday, May 10, 2011 5:58 PM  
**To:** Cameron H. Tousi; 'Altersohn, Allison'; 'Rowland, Mark D.'; 'David Farnum'; 'Mike Jones'; jvallery@potterminton.com; michaelsmith@siebman.com; pammatthews@siebman.com; tammycherry@siebman.com; mark.rowland@earthlink.net; larryphillips@siebman.com; kellyjohnson@siebman.com; siebmanecfin@texoma.net; 'Splaine, Carol'; 'Perry, Robert'; 'Allen Gardner'; bdavis@bdavisfirm.com; sue@bdavisfirm.com; davidfarnum@netscape.net; 'Clements, Matthew'; 'Court Alert'; ctousi@gmail.com; 'Ralph Albrecht'; ralph.p.albrecht@gmail.com; Valentine, James (Perkins Coie); Hockin, Laurie (Perkins Coie); 'Dykema, Erik'  
**Subject:** RE: RE: WRT's infringement contentions; Wireless Recognition Technologies LLC v. A9.com, Inc., et al.

Cameron,

It was my understanding that the parties reached an agreement with regard to the DCO and Discovery Order such that the same schedule and discovery limits would apply to all four cases, with the exception being that Google, Amazon, and A9 object to having the various unrelated parties tried together. Only Amazon and A9 are related and have related products such that they should be tried together. It is the position of Google, Amazon, and A9 that the defendants, other than A9 and Amazon, have been improperly joined in the various suits. Furthermore, I understand that the Nokia and Ricoh defendants have raised similar objections and reserved the right to address how these cases should be tried at a later date.

Accordingly, during the teleconferences that I had with various WRT counsel on March 23, I stated that the Defendants would not object to the DCO and Discovery Order as a means to consolidate discovery, claim construction, SJ motions, pretrial issues, etc., as long as WRT would not argue that the Defendants waived their right to assert that the Defendants have been misjoined and should not be tried together. WRT agreed, and it was on that basis that WRT received our permission to proceed

with the joint filing of the DCO and Discovery Order.

In light of that agreement, I was surprised last week to see that WRT failed to provide its infringement contentions in regard to the '474 patent. I was further surprised to see that WRT failed to comply, even for the 364 case, with the disclosures requirements set forth in the Discovery Order.

And therefore, I was baffled by your email below. Is it WRT's position that no consolidation agreement was reached re the DCO and Discovery Order? And if so, how are you now proposing to consolidate the schedule for the four cases where the date has already passed for WRT to serve its infringement contentions? I have spoken with Nokia and Ricoh, and they agree with my contention that an agreement was already reached re consolidating the DCO and Discovery Order for all four cases, and they agree that WRT's infringement contentions for the '474 patent and its infringement contentions against the foreign entities are past due.

I saw that the deficiencies in WRT's initial disclosures and infringement contentions were also addressed in today's letter from Allison Altersohn to you.

We look forward to receiving your response.

Regards,  
Dan

**Daniel T. Shvodian** | **Perkins Coie LLP**

**PARTNER**

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**From:** Cameron H. Tousi [mailto:chtousi@atfirm.com]

**Sent:** Monday, May 09, 2011 7:30 PM

**To:** 'Altersohn, Allison'; 'Rowland, Mark D.'; Shvodian, Daniel T. (Perkins Coie); 'David Farnum'; 'Mike Jones'; jovallery@potterminton.com; michaelsmith@siebman.com; pammatthews@siebman.com; tammycherry@siebman.com; mark.rowland@earthlink.net; larryphillips@siebman.com; kellyjohnson@siebman.com; siebmanecfin@texoma.net; 'Splaine, Carol'; 'Perry, Robert'; 'Allen Gardner'; bdavis@bdavisfirm.com; sue@bdavisfirm.com; davidfarnum@netscape.net; 'Clements, Matthew'; 'Court Alert'; ctousi@gmail.com; 'Ralph Albrecht'; ralph.p.albrecht@gmail.com; Valentine, James (Perkins Coie); Hockin, Laurie (Perkins Coie); 'Dykema, Erik'; 'Cameron H. Tousi'

**Subject:** RE: RE: WRT's infringement contentions; Wireless Recognition Technologies LLC v. A9.com, Inc., et al.

**Counsel:**

WRT believes that consolidation of the four pending cases 2:10-cv-364, 365, 577, 578 is reasonable for all purposes. The patents are closely related and multiple trials would be a waste of party and court resources.

When the issue was brought up some weeks ago, if memory serves us correctly, some defendants were amenable to consolidation, and others were concerned that consolidation may impact defendants' motion to transfer and/or they would have to solicit client approval in any case. As defendants have already filed the motion and the reply in response to WRT's opposition, WRT believe there should be no additional delays to consolidation due to the transfer issue.

Accordingly, WRT requests stipulation to consolidation by the close of business this Wednesday, 5/11/2011. If you require additional time for client approval and the like, please let us know at your earliest convenience, and we will make every reasonable attempt to accommodate your respective schedules.

Regards,  
Cameron

Cameron H. Tousi, Esq.  
Partner

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**From:** Cameron H. Tousi [mailto:chtousi@atfirm.com]

**Sent:** Friday, May 06, 2011 2:06 AM

**To:** 'Altersohn, Allison'; 'Rowland, Mark D.'; 'Shvodian, Daniel T. (Perkins Coie)'; 'David Farnum'; 'Mike Jones'; 'jovallery@potterminton.com'; 'michaelsmith@siebman.com'; 'pammatthews@siebman.com'; 'tammycherry@siebman.com'; 'mark.rowland@earthlink.net'; 'larryphillips@siebman.com'; 'kellyjohnson@siebman.com'; 'siebmanecfin@texoma.net'; 'Splaine, Carol'; 'Perry, Robert'; 'Allen Gardner'; 'bdavis@bdavisfirm.com'; 'sue@bdavisfirm.com'; 'davidfarnum@netscape.nett'; 'Clements, Matthew'; 'Court Alert'; 'ctousi@gmail.com'; 'Ralph Albrecht'; 'ralph.p.albrecht@gmail.com'; 'Valentine, James ( Perkins Coie)'; 'Hockin, Laurie (Perkins C oie)'; 'Dykema, Erik'; 'Cameron H. Tousi'

**Subject:** RE: WRT's infringement contentions; Wireless Recognition Technologies LLC v. A9.com, Inc., et al.

Counsel,

Please find below a downloadable link to WRT's asserted claims and preliminary infringement contentions. If you have any issues with FTP download, please let us know at your earliest convenience.

<https://www.yousendit.com/download/MEtTaklrMVhVVG52Wmc9PQ>

Regards,  
Cameron

Cameron H. Tousi, Esq.  
Partner

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