

EXHIBIT A

From: Amanda Bonn [abonn@SusmanGodfrey.com]
Sent: Friday, June 27, 2014 1:35 PM
To: Andrea P Roberts; Justin A. Nelson; Alexander L. Kaplan; ccapshaw@capshawlaw.com; jw@wsfirm.com; John Lahad; Shawn Blackburn; claire@wsfirm.com; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan
Cc: QE-Google-Rockstar; Mark Mann; atindel@andytindel.com; blake@themannfirm.com
Subject: RE: Rockstar v. Google

Andrea,

To be clear, Plaintiffs do not believe the statements you cited warrant correction or need to be brought to the attention of the Court. If Google nevertheless intends to raise this issue in its briefs, we ask that Google submit our below email as an exhibit. If Google raises this issue in its briefs, we intend to respond to it in our reply briefs accordingly.

Regards,

Amanda

From: Amanda Bonn
Sent: Friday, June 27, 2014 1:28 PM
To: 'Andrea P Roberts'; Justin A. Nelson; Alexander L. Kaplan; ccapshaw@capshawlaw.com; jw@wsfirm.com; John Lahad; Shawn Blackburn; claire@wsfirm.com; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan
Cc: QE-Google-Rockstar; Mark Mann; atindel@andytindel.com; blake@themannfirm.com
Subject: RE: Rockstar v. Google

Andrea,

Google indeed has repeatedly taken the position that we are only entitled to a single reply brief on both motions. Please see your initial email to us regarding this issue, attached to the Bonn Declaration as Exhibit 1, and the proposal Google made in its Motion for Expedited Briefing, both of which contemplate a single reply brief.

In addition, my recollection of the meet-and-confer is that Mr. Perlson indicated Google may be willing to consider additional briefing, but only if Plaintiffs would agree to an expedited briefing schedule on both motions. Moreover, such consideration was also apparently conditioned on Plaintiffs acceding to a violation of Local Rule CV-7(a), as there was never any suggestion by Google that it would agree to file its motion to stay as a separate pleading. That is exactly what is reflected in my declarations and in the footnote to our briefs. It is also consistent with Google's actual Motion for Expedited Briefing.

The statement you complain if in our brief is that Google "insisted that Plaintiffs were not entitled to invoke the rules regarding Responses and Sur-Replies to motions, but instead would be limited to filing a single, five-page 'Reply' brief . . . to both its own Motion for Leave and to Google's Cross-Motion to Stay." (Dkt. No. 100, at 5.) I stand by this statement. That is exactly what Google insisted on before, during and after the meet-and-confer. Google's suggestion during the meet-and-confer that it might consider additional briefing came with strings attached, which is exactly the point of the footnote in our briefs.

We do not believe any statements we made warrant correction—indeed, they are consistent with Google's email, my recollection, and Google's later Motion to Expedite. If you wish to raise this issue with the Court, please include this email. If not, we intend bring this to the Court's attention in our next briefs.

Regards,

Amanda

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From: Andrea P Roberts [<mailto:andreaproberts@quinnemanuel.com>]
Sent: Friday, June 27, 2014 11:20 AM
To: Amanda Bonn; Justin A. Nelson; Alexander L. Kaplan; ccapshaw@capshawlaw.com; jw@wsfirm.com; John Lahad; Shawn Blackburn; claire@wsfirm.com; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan
Cc: QE-Google-Rockstar; Mark Mann; atindel@andytindel.com; blake@themannfirm.com
Subject: Rockstar v. Google

Amanda,

I write regarding Rockstar's Motion to Strike Under Local Rule CV-7(a) Google's Opposition to Plaintiffs' Motion for Leave to File a Supplemental Brief in Response to Google's Motion to Transfer, and in the Alternative, Cross-Motion to Stay Case Pending Resolution of Google's Transfer Motion (Dkt. No. 100), and Rockstar's Opposition to Google's Motion to Expedite (Dkt. No. 101). In both briefs, Rockstar contends that Google "insisted that Plaintiffs were not entitled to invoke the rules regarding Responses and Sur-Replies to motions, but instead would be limited to filing a single, five-page 'Reply' brief . . . to both its own Motion for Leave and to Google's Cross-Motion to Stay." (Dkt. No. 100, at 5.) This argument appears throughout Rockstar's briefs. This misstates what occurred in the parties' meet and confer. As Rockstar admits in footnote 2 of its Motion to Strike and footnote 1 of its Opposition to Google's Motion to Expedite, Google said it was willing to stipulate to Rockstar having additional pages for its brief. Moreover, Google also said it was willing to discuss additional briefing if Rockstar's concern was that it would not have a sur-reply.

This is the second time now that Rockstar's counsel has misstated what occurred on a meet and confer in a brief. (*See* 6/3/14 Email from A. Roberts). We believe that Rockstar should advise the Court of this misstatement and do so today. Google plans to file its opposition to Rockstar's Motion to Strike, and reply in support of Google's Motion to Expedite today. Please confirm by 3 pm Central Time that Rockstar will advise the Court of and correct its counsel's misstatement today.

Thanks,

Andrea

Andrea Pallios Roberts
Of Counsel,
Quinn Emanuel Urquhart & Sullivan, LLP

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