

# EXHIBIT C

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**From:** John Lahad [jlahad@SusmanGodfrey.com]  
**Sent:** Friday, June 13, 2014 12:25 PM  
**To:** Andrea P Roberts  
**Cc:** jrambin@capshawlaw.com; ederieux@capshawlaw.com; ccapshaw@capshawlaw.com; jw@wsfirm.com; claire@wsfirm.com; Alexander L. Kaplan; Max L. Tribble; Mark Mann; blake@themannfirm.com; atindel@andytindel.com; QE-Google-Rockstar  
**Subject:** RE: Rockstar v. Google

Andrea,

As discussed in earlier correspondence with your colleague, Lance Yang, Rockstar objects to Google's attempt to shirk its disclosure obligations by refusing to provide claim-by-claim and element-by-element charts for its asserted references. Instead of charting each claim element by element, Google fashioned Exhibit B to list prior art references that may be combined with the reference ostensibly charted in Exhibit A. For example, A-1 points to table B1, which says that "one of ordinary skill in the art would be motivated to combine the references addressed in claim charts A-1 to A-39 with any one or more of the Table B1 references because: it would have yielded predictable results." According to Mr. Yang, Exhibits A-1 to A-39 identify each combination that Google intends to rely on for each limitation and Exhibit B's tables "streamline" the disclosure. Contrary to Mr. Yang's email, this approach does not comply with Patent Local Rule 3-3(c) and does not sufficiently identify the combinations Google wishes to assert. If Google's approach is credited, millions of potential combinations result – hardly a streamlining of anything. This is not what the local rules contemplate, which a claim element by element disclosure and identification of specific combinations.

Furthermore, Google's invalidity contentions for some alleged prior art systems do not provide anything more than superficial and rudimentary descriptions of those systems. Google's disclosures rely on high-level newspaper and magazine articles and cite no user manuals or similar technical documents. For example, in A-10, Google relies on the Excite search engine but only cites an IEEE paper that barely touches on Excite, a few pages from a "Dummies..." book, and a handful of citations to non-technical articles generally discussing search engines. Google's failure to provide sufficient evidence is particularly egregious given that it listed Graham Spencer and Ben Lutch, co-founders of Excite and current Google employees, as persons with knowledge of prior art in its initial disclosures. The same is true for Alta Vista (A-2). Google failed to provide any technical materials describing Alta Vista even though Alta Vista's principal developer, Michael Burrows, is a current Google employee and likewise identified by Google in its initial disclosures. It is also known that Google acquired DoubleClick in 2007 (which had previously purchased NetGravity). Accordingly, Google has in its possession and thus must provide more information on DoubleClick (A-9) and NetGravity (A-24) than two patents and a smattering of non-technical articles pulled from the Wayback Machine, respectively.

Because of Google's non-compliant and deficient disclosures, Rockstar cannot agree to join in any motion to limit claims and references. The Model Order does not alter the Local Rules. If Google provides the element-by-element disclosures required by the local rules and the additional evidence of prior art in its possession, Rockstar will consider whether a motion is appropriate. Please provide compliant and complete charts by Friday June 20, 2014. If Google chooses not to do so, then please provide a time this Monday (preferably before 5:00 pm central) to meet and confer in advance of our motion to strike Google's non-compliant contentions.

Finally, you are correct that our cover pleading includes two typographical errors regarding claim 15 of the '969 patent and claim 16 of '183 patent. As of the date of its infringement contentions, Rockstar is not asserting those two claims in this case.

I look forward to hearing from you.

Best,  
John

**John P. Lahad**  
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**From:** Andrea P Roberts [mailto:andreaproberts@quinnemanuel.com]

**Sent:** Wednesday, June 11, 2014 4:42 PM

**To:** John Lahad

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**Subject:** RE: Rockstar v. Google

John,

I write to follow up on our prior correspondence regarding Rockstar's assertion of 144 claims against Google. We continue to believe that this is unreasonable. In your email below, you state that the Court has not entered the Model Order Focusing Patent Claims and Prior Art to Reduce Costs. We believe that the Model Order Focusing Patent Claims and Prior Art to Reduce Costs is appropriate given the plaintiff's current asserted claims and the patents at issue in the case. Please let us know if Rockstar will file a joint motion for the Court to enter an order focusing patent claims and prior art.

Additionally, Rockstar's P.R. 3-1 cover pleading purportedly asserts infringement of claim 15 of the '969 patent and claim 16 of the '183 patent. However, Rockstar's infringement charts do not provide any corresponding

entries for those claims as required by P.R. 3-1(c). Please confirm that Rockstar does not intend to assert infringement of claim 15 of the '969 patent and claim 16 of the '183 patent.

Thanks,

Andrea

**Andrea Pallios Roberts**

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**From:** John Lahad [<mailto:jlahad@SusmanGodfrey.com>]

**Sent:** Friday, April 18, 2014 1:51 PM

**To:** Andrea P Roberts

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QE-Google-Rockstar

**Subject:** RE: Rockstar v. Google

Andrea,

Thanks for your email, and good chatting with you today. We disagree that the number of patents and claims is unreasonable at this stage in the litigation. As you mentioned, under the Court's model order – which has not been issued in this case – the earliest Rockstar would have to make an election is “by the date set for completion of claim construction discovery.”

Under the Court's current sample DCO, that's not until September. Google's only argument is burden, but that was explicitly taken into consideration by the Court in its model order, which intends to “streamline[] the issues in this case.” Accordingly, to the extent Rockstar must limit claims, it will do so when ordered by the Court.

You add that Rockstar's infringement contentions “do not provide sufficient specificity to put Google on notice of what functionalities Rockstar contends infringes the asserted patents.” Suffice it to say, we disagree. Per PR 3-1, Rockstar's infringement contentions name each instrumentality currently accused of infringement and provide ample evidence “identifying

specifically where each element of each asserted claim is found within each Accused Instrumentality.”

Happy to discuss.

Thanks,

John

**John P. Lahad**  
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**From:** Andrea P Roberts [<mailto:andreaproberts@quinnemanuel.com>]

**Sent:** Monday, April 14, 2014 1:56 PM

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QE-Google-Rockstar

**Subject:** Rockstar v. Google

Counsel,

I write regarding Rockstar’s infringement contentions. First, Rockstar’s assertion of 144 claims in 7 patents is unreasonable. As a practical matter, this is far too many. Not only is it extremely difficult for Google to analyze Rockstar’s infringement contentions, but it will greatly increase the volume of Google’s invalidity contentions, which will be a burden to all parties. Moreover, Rockstar cannot possibly try anything remotely close to 144 claims and must know that it will, at least eventually, have to reduce the number of asserted claims. Indeed, under the Court’s Model Order Focusing Patent Claims and Prior Art to Reduce Costs, Rockstar will need to limit itself to 32 asserted claims by the close of claim construction discovery. Rockstar should reduce the number of asserted claims now, before Google serves its invalidity contentions under P.R. 3-3. Please confirm that Rockstar will do so by Friday, April 18.

Second, Rockstar’s infringement contentions, while voluminous due to the number of asserted claims, do not provide sufficient specificity to put Google on notice of what functionalities Rockstar contends infringes the asserted patents. Without such specificity, it is extremely difficult, if not impossible, for Google to identify “documentation sufficient to show the operation” of such accused functionalities, as required by P.R. 3-4, or to do so by May 19, much less determine what other documents or source code is relevant to Rockstar’s infringement contentions. We request that Rockstar provide more specificity as to what is accused. Please confirm that Rockstar will do so by Friday, April 18.

If Rockstar does not agree to either of the above, please provide a time this week when Rockstar is available to meet and confer on these issues.

Thanks,

Andrea

**Andrea Pallios Roberts**

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