

EXHIBIT 4

From: Andrea P Roberts
Sent: Wednesday, June 18, 2014 12:07 PM
To: Andrea P Roberts; 'John Lahad'
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

John,

I am following up on our request to meet and confer in my email below. We are available today at 3:30 pm CT/1:30 pm PT or 5:30 pm CT/3:30 pm PT. Please let us know if Rockstar is available at either of those times and we will circulate a call-in number.

Thanks,
Andrea

From: Andrea P Roberts
Sent: Monday, June 16, 2014 8:27 PM
To: 'John Lahad'
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
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John,

Patent Rule 3-3(c) requires that Google provide a “chart identifying where specifically in each alleged item of prior art each element of each asserted claim is found.” Rockstar does not (and could not) dispute that Google has provided 39 charts for references that Google contends anticipates one or more of the asserted claims. In addition, Google has provided 7 tables that identify the specific disclosure in each combination reference that renders a specific claim element obvious. In sum, Google has identified on a claim-by-claim and element-by-element basis its obviousness allegations against the asserted patents as required by the patent local rules.

Rockstar appears to be complaining that Google did not copy and paste the cites in the tables of Exhibit B into every corresponding limitation in an Exhibit A chart. Thus, Rockstar’s complaint is directed at a word processing/formatting decision, totally irrelevant to the substance of the charts, or the sufficient notice provided therein. Had Google not streamlined its charts as it did, it would have resulted in unwarranted duplication.

To the extent that Rockstar complains that Google has identified too many combinations, the breadth of available combinations is a product of Rockstar’s assertion of 140+ claims and the broad manner in which Rockstar appears to be interpreting these claims in Rockstar’s vague and non-specific infringement contentions. In fact, when Google raised the issue of the number of claims asserted by Rockstar on April 14, Google noted: “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.” Yet, Rockstar refuses to narrow its claims or revise its contentions in any way. Rockstar should remedy this issue now and reduce its claims, and remedy the failures in its contentions, especially given the extensive production of Google technical documents it has already received.

Even more, Rockstar refuses to agree to the Court's Model Order Focusing Patent Claims and Prior Art to Reduce Costs in this case. As Rockstar must realize, adopting the Model Order in this case would result in a narrowing of issues tailored to the milestones in this case. Rockstar's refusal to adopt the Model Order in this case leaves the Court and the parties in the unworkable position of conducting fact and expert discovery, as well as claim construction, on over 140 claims, the vast majority of which Rockstar knows will never make it to trial. Rockstar's explanation that "[b]ecause of Google's non-compliant and deficient disclosures, Rockstar cannot agree to join in any motion to limit claims and references" is a red herring that only serves to defer Rockstar's obligations to reduce its myriad asserted claims. As Google has explained, Google's invalidity contentions fully comply with the Court's Patent Rules. Rockstar's unwillingness to engage in good faith efforts to focus the issues in this matter continues to increase the burden on the Court and the expense of the parties.

Google intends to move the court to adopt the Model Order in this case, and to order Rockstar to also make an immediate reduction in the number of asserted claims. Given the upcoming claim construction schedule, Google will seek expedited relief from the court. We can address this motion during the same meet and confer regarding your motion to strike. We are available on Wednesday.

Regarding the A charts you identify below, as previously noted, these charts provide ample evidence "identifying where specifically in each alleged item of prior art each element of each asserted claim is found." Note that these charts do so in greater detail than Rockstar's own infringement contentions, which you've asserted satisfy 3-1(c) and continue to refuse to supplement. We would like to meet and confer as to Rockstar's contentions as well on the meet and confer. Regarding prior art documents, Google will produce any evidence related to prior art that it and its experts intend to rely on, including third party documentation, during the course of discovery.

Thanks,
Andrea

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

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From: John Lahad [<mailto:jlahad@SusmanGodfrey.com>]
Sent: Friday, June 13, 2014 12:25 PM
To: Andrea P Roberts
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