

Exhibit 4

Amanda Bonn

From: Amanda Bonn
Sent: Wednesday, July 09, 2014 12:22 PM
To: Andrea P Roberts; John Lahad; Lance Yang; Justin A. Nelson
Cc: Alexander L. Kaplan; 'jrambin@capshawlaw.com'; 'ederieux@capshawlaw.com'; 'ccapshaw@capshawlaw.com'; 'jw@wsfirm.com'; 'claire@wsfirm.com'; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'; Stacy Schulze; Tammie J. DeNio
Subject: RE: Rockstar v. Google

Andrea,

Per David's request, please see the following Federal Circuit cases holding the accused infringer's market share is relevant to secondary considerations of non-obviousness—indeed, they all criticized the patentee for failing to introduce evidence of market share in attempting to prove up commercial success. *Brown & Williamson Tobacco Corp. v. Phillip Morris Inc.*, 229 F.3d 1120, 1130 (Fed. Cir. 2000) (considering “limited market share achieved” by accused infringer as weighing against a finding of non-obviousness); *In re Baxter Travenol Labs.*, 952 F.2d 388, 392 (Fed. Cir. 1991) (holding evidence of secondary considerations based solely on number of unit sales insufficient because “[n]o market share information was provided”); *Cable Elec. Prods., Inc. v. Genmark, Inc.*, 770 F.2d 1015, 1026-27 (Fed. Cir. 1985) (finding evidence regarding number of unit sales insufficient because “[w]ithout further economic evidence . . . it would be improper to infer that the reported sales represented a substantial share of any definable market”); *Kansas Jack, Inc. v. Kuhn*, 719 F.2d 1144, 1150 (Fed. Cir. 1983) (holding evidence of commercial success presented at trial was insufficient absent evidence “of market share” or “of growth of market share”).

Regards,

Amanda

Amanda Bonn | Susman Godfrey LLP
1901 Ave. of the Stars, Suite 950 | Los Angeles, CA 90067
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From: Andrea P Roberts [mailto:andreaproberts@quinnemanuel.com]
Sent: Tuesday, July 08, 2014 9:59 AM
To: John Lahad; Lance Yang; Amanda Bonn; Justin A. Nelson
Cc: Alexander L. Kaplan; 'jrambin@capshawlaw.com'; 'ederieux@capshawlaw.com'; 'ccapshaw@capshawlaw.com'; 'jw@wsfirm.com'; 'claire@wsfirm.com'; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'; Stacy Schulze; Tammie J. DeNio
Subject: RE: Rockstar v. Google

Yes, we can use the call-in number below:

Participant number: 5728284
toll free: 866-499-9580
int'l: 617-939-0024

From: John Lahad [<mailto:jlahad@SusmanGodfrey.com>]
Sent: Tuesday, July 08, 2014 9:53 AM
To: Andrea P Roberts; Lance Yang; Amanda Bonn; Justin A. Nelson
Cc: Alexander L. Kaplan; 'jrambin@capshawlaw.com'; 'ederieux@capshawlaw.com'; 'ccapshaw@capshawlaw.com'; 'jw@wsfirm.com'; 'claire@wsfirm.com'; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'; Stacy Schulze; Tammie J. DeNio
Subject: RE: Rockstar v. Google

Andrea,
Do you have a dial-in for this call today? Thanks.

John P. Lahad
Susman Godfrey L.L.P.
713-653-7859 (office)
713-725-3557 (mobile)
713-654-6666 (fax)

From: Andrea P Roberts [<mailto:andreaproberts@quinnemanuel.com>]
Sent: Monday, July 07, 2014 3:30 PM
To: Lance Yang; Amanda Bonn; John Lahad; Justin A. Nelson
Cc: Alexander L. Kaplan; 'jrambin@capshawlaw.com'; 'ederieux@capshawlaw.com'; 'ccapshaw@capshawlaw.com'; 'jw@wsfirm.com'; 'claire@wsfirm.com'; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'; Stacy Schulze; Tammie J. DeNio
Subject: RE: Rockstar v. Google

Amanda,

I write in response to Rockstar's proposed additions to the agenda for Thursday's in-person meet and confer. I address each in turn below:

1. Google's purportedly deficient responses to Plaintiff's document requests - Given the sheer volume of requests and the amount of time it will take to go through them, it would make much more sense for the parties to try to work out the issues by phone first (preferably preceded by a written response from Rockstar to my June 18 letter) to identify what is actually in dispute. This would be a much better use of time. Indeed, at this point, it is unclear just what "dispute" we would be meeting and conferring about in person making it premature.
2. Google's purportedly deficient interrogatory responses – Please confirm that you are only referring to Interrogatory Nos. 7 and 12, which we will be prepared to discuss at Thursday's in-person meet and confer. Regarding the scope of Interrogatory Nos. 2, 8, 9, and 10, we had proposed discussing these today at 11 am PT, but we understand that Rockstar's counsel is not available at that time. We are available to meet and confer regarding those interrogatories on Tuesday at 11 am PT, as proposed by Mr. Lahad. Again, without such a discussion, it is unclear what the dispute is that we would be meeting and conferring about in person.

3. Google's alleged refusal to produce source code for review within three business days of Plaintiff's request – We believe that an in-person meet and confer on this issue is premature as Rockstar has not even provided the basis for its position on this matter. Please explain why Rockstar believes it is entitled to the production of source code by July 9, notwithstanding that Google is not required to complete its document production until September 16. We are happy to meet and confer about this, but Rockstar should provide the basis for its claim for Google to consider before an in-person meet and confer. We are available to discuss this issue at 11 am PT on Tuesday as well.

Finally, we had proposed that the parties also discuss Rockstar's responses to Google's document requests today at 11 am PT, but included that issue on the agenda for Thursday's meet and confer if not resolved during today's meet and confer. We understand from your July 3 email that Rockstar believes a meet and confer today is unnecessary. We remain willing to discuss those issues in advance of the in-person meet and confer and think that the parties should do so to try to narrow the issues for discussion on Thursday. We are available to discuss those issues at 11 am PT on Tuesday as well.

Thanks,
Andrea

-----Original Message-----

From: Lance Yang
Sent: Thursday, July 03, 2014 9:27 PM
To: 'Amanda Bonn'; 'John Lahad'; Andrea P Roberts; 'Justin A. Nelson'
Cc: 'Alexander L. Kaplan'; 'jrambin@capshawlaw.com'; 'ederieux@capshawlaw.com'; 'ccapshaw@capshawlaw.com'; 'jw@wsfirm.com'; 'claire@wsfirm.com'; 'Max L. Tribble'; 'Kristin Malone'; 'Parker Folse'; 'Cyndi Obuz'; 'John Dolan'; 'Shawn Blackburn'; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'; 'Stacy Schulze'; 'Tammie J. DeNio'
Subject: RE: Rockstar v. Google

Confirmed. Thanks.

-----Original Message-----

From: Amanda Bonn [mailto:abonn@SusmanGodfrey.com]
Sent: Thursday, July 03, 2014 8:03 PM
To: Lance Yang; John Lahad; Andrea P Roberts; Justin A. Nelson
Cc: Alexander L. Kaplan; jrambin@capshawlaw.com; ederieux@capshawlaw.com; ccapshaw@capshawlaw.com; jw@wsfirm.com; claire@wsfirm.com; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; James Mark Mann; Andy Tindel; Gregory Blake Thompson; Stacy Schulze; Tammie J. DeNio
Subject: Re: Rockstar v. Google

Lance,
We can do the 10th at DFW. Please confirm that this works.

Thanks,

Amanda

On Jul 3, 2014, at 6:03 PM, "Amanda Bonn"
<abonn@SusmanGodfrey.com<mailto:abonn@SusmanGodfrey.com>> wrote:

Lance,
We are checking if the date you propose for an in-person meet-and-confer on discovery issues works for us and will get back to you as soon as possible. We wish to add to the agenda of

any in-person meet-and-confer (a) Google's deficient responses to Plaintiffs' document requests, (b) Google's deficient responses to Plaintiffs' interrogatories, and (c) Google's refusal to produce source code for review within three business days of Plaintiffs' request in accordance with the terms of the Protective Order and Patent Local Rule 3-4(a) .

In light of our mutual intention to have an in-person meet-and-confer next week, we believe a telephonic discussion on Monday is redundant and unnecessary.

Regards,

Amanda

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From: Lance Yang [mailto:lanceyang@quinnemanuel.com]
Sent: Thursday, July 03, 2014 2:09 PM
To: John Lahad; Andrea P Roberts; Justin A. Nelson
Cc: Amanda Bonn; Alexander L. Kaplan;
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'jw@wsfirm.com<mailto:jw@wsfirm.com>'; 'claire@wsfirm.com<mailto:claire@wsfirm.com>'; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'; Stacy Schulze; Tammie J. DeNio
Subject: RE: Rockstar v. Google

Regarding the in person meeting, Google is available on July 10 in Dallas. We anticipate that we will be available to start at noon.

Best

From: Lance Yang
Sent: Thursday, July 03, 2014 2:04 PM
To: 'John Lahad'; Andrea P Roberts; 'Justin A. Nelson'
Cc: 'Amanda Bonn'; 'Alexander L. Kaplan';
'jrambin@capshawlaw.com<mailto:jrambin@capshawlaw.com>';
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'jw@wsfirm.com<mailto:jw@wsfirm.com>'; 'claire@wsfirm.com<mailto:claire@wsfirm.com>'; 'Max L. Tribble'; 'Kristin Malone'; 'Parker Folse'; 'Cyndi Obuz'; 'John Dolan'; 'Shawn Blackburn'; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'; 'Stacy Schulze'; 'Tammie J. DeNio'
Subject: RE: Rockstar v. Google

John,

Initially, your email suggests that you are proceeding with a motion to strike at this point. However, before Rockstar can bring such a motion, an in person meet and confer is required as required by ¶ 9(b) of the Discovery Order. This has not yet occurred.

Further, are we correct in interpreting your email that Rockstar intends to ask the Court to strike our obviousness combinations, that Rockstar intends on asking the Court to effectively

preclude Google from relying on obviousness at all in the case? We note that Rockstar has yet to cite any authority for striking Google's charted obviousness combinations under the Patent Rules or for limiting the number of chart obviousness combinations that Google may rely on in its initial disclosures. Please provide any such authority if you have it.

In reference to an in person meet and confer, we would like to have one on the following issues:

1. Rockstar's deficient infringement contentions
2. Rockstar's deficient interrogatory responses
3. Rockstar's responses to our July 2 letter regarding Google's document requests (if not resolved before then during the telephonic meet and confer we proposed for Monday at 11 am PT)

We can meet and confer regarding your threatened motion to strike at that time as well.

Best

From: John Lahad [mailto:jlahad@SusmanGodfrey.com]
Sent: Thursday, July 03, 2014 7:39 AM
To: Lance Yang; Andrea P Roberts; Justin A. Nelson
Cc: Amanda Bonn; Alexander L. Kaplan;
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'jw@wsfirm.com<mailto:jw@wsfirm.com>'; 'claire@wsfirm.com<mailto:claire@wsfirm.com>'; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'; John Lahad; Stacy Schulze; Tammie J. DeNio
Subject: RE: Rockstar v. Google

Lance,
As I've indicated, we disagree, and will ask the Court to strike Google's obviousness combinations.
Thanks,
John

John P. Lahad
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From: Lance Yang [mailto:lanceyang@quinnemanuel.com]
Sent: Wednesday, July 02, 2014 9:20 PM
To: John Lahad; Andrea P Roberts; Justin A. Nelson
Cc: Amanda Bonn; Alexander L. Kaplan;
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'jw@wsfirm.com<mailto:jw@wsfirm.com>'; 'claire@wsfirm.com<mailto:claire@wsfirm.com>'; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'
Subject: RE: Rockstar v. Google

John,

As we have indicated, bringing a motion regarding the number of “combinations” currently at play wastes the Court’s and the parties’ resources. We have already agreed to the limitations on obviousness combinations in the Model Order. Model Order, ¶ 3 (“For purposes of this Final Election of Asserted Prior Art, each obviousness combination counts as a separate prior art reference”). And the reductions in claims and art called for in the Model Order will also assist Rockstar’s purported concerns regarding the number combinations. Indeed, twelve of Google’s thirty-nine invalidity charts disclosing the basis for its contentions that the asserted claims are anticipated by the prior art related only to claim 1 of the ‘065 patent. Thus, since Rockstar dropped that claim from its contentions, Google will not rely on those prior art references to show anticipation of any other claim. In other words, by Rockstar reducing the scope of its case by just one claim, that reduced the scope of Google’s anticipation case by a third. Similarly, the obviousness combinations corresponding to those anticipatory charts have also dropped as a direct result of Rockstar’s claim narrowing, and the same would occur with a further reduction of references called for by the Model Order.

In response to your previous email on this subject, this is not a case where Rockstar would have to “consider every possible combination of the references disclosed.” Google has confirmed several times that it intends to rely on charted obviousness combinations in Exhibits A and B and not uncharted references. Finally, it remains unclear just what relief Rockstar intends to seek in its motion.

Best,
Lance

From: John Lahad [mailto:jlahad@SusmanGodfrey.com]
Sent: Wednesday, July 02, 2014 11:49 AM
To: Andrea P Roberts; Lance Yang; Justin A. Nelson
Cc: Amanda Bonn; Alexander L. Kaplan;
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'ccapshaw@capshawlaw.com<mailto:ccapshaw@capshawlaw.com>';
'jw@wsfirm.com<mailto:jw@wsfirm.com>'; 'claire@wsfirm.com<mailto:claire@wsfirm.com>'; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'
Subject: RE: Rockstar v. Google

Andrea,
I think my letter was sufficiently clear that agreement on the model order would require Google to narrow the prior art references/combinations. Accordingly, I strongly disagree with your position that Rockstar reneged on anything. Rockstar does not agree to moving the date for 4-2 disclosures and does not agree to an expedited briefing schedule. Note that Rockstar will be seeking relief from the Court regarding Google’s impermissibly high number of obviousness combinations.

Thanks,
John

John P. Lahad
Susman Godfrey L.L.P.
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713-654-6666 (fax)

From: Andrea P Roberts [mailto:andreaproberts@quinnemanuel.com]
Sent: Wednesday, July 02, 2014 12:14 PM
To: John Lahad; Lance Yang; Justin A. Nelson
Cc: Amanda Bonn; Alexander L. Kaplan;
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'ccapshaw@capshawlaw.com<mailto:ccapshaw@capshawlaw.com>';
'jw@wsfirm.com<mailto:jw@wsfirm.com>'; 'claire@wsfirm.com<mailto:claire@wsfirm.com>'; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'
Subject: RE: Rockstar v. Google

John,

Rockstar has changed its position relation to the model order. On June 25, you wrote: "this confirms that Plaintiffs Rockstar Consortium US LP and Netstar Technologies LLC would be amenable to jointly moving the Court to issue an Order limiting claim terms and prior art references along the lines disclosed in the Model Order referenced by General Order 13-20" and quoted the text of the Model Order. You further set forth what the deadlines will be given the schedule in our case and asked that we confirm that we agreed. Based on the representation in your June 25 letter, Google did not file a motion with the Court asking it to enter the Model Order and to require an immediate reduction in the number of claims by Rockstar as we had indicated we would in our meet and confer and in correspondence, and we sent you a draft joint motion requesting that the Court enter the Model Order, which included the dates set forth in your June 25 letter. Your current position that Rockstar "cannot meaningfully assess what an order limiting claims and prior art should look like before [Google confirms it intends to comply with Local Rule 3-3]" is flatly inconsistent with your prior agreement. In other words, Rockstar already agreed to what the order limiting claims would look like: it quoted the Model Order in your June 25 letter.

While we thought we had reached resolution on this issue given your representation, since Rockstar has reneged on that agreement, we can no longer delay in seeking Court intervention on this issue and Google will seek relief from the Court today. We will ask the Court to enter the Model Order, and to order Rockstar to reduce the number of asserted claims to 15 per patent and no more than 50 total by July 14. We propose that the deadline for the exchange of proposed claim constructions and extrinsic evidence be pushed to July 18 to account for this date.

Given the upcoming claim construction deadlines and the delay caused by Rockstar's change in position, we will also seek an expedited briefing schedule for our motion as we previously indicated we would. We propose the following schedule:

Rockstar's response to Google's motion - due Tuesday, July 8
Google's reply in support of Google's motion - due Wednesday, July 9
Rockstar's surreply in response to Google's motion - due Thursday, July 10

Please let us know if Rockstar will agree to the expedited briefing schedule. If you feel a further meet and confer is necessary as to this expedited schedule beyond our prior discussion, please provide a time today before 4 pm CST when you are available to meet and confer regarding Google's motion for an expedited briefing schedule.

Thanks,
Andrea

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

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From: John Lahad [mailto:jlahad@SusmanGodfrey.com]
Sent: Tuesday, July 01, 2014 9:06 PM
To: Lance Yang; Justin A. Nelson
Cc: Amanda Bonn; Alexander L. Kaplan;
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'ccapshaw@capshawlaw.com<mailto:ccapshaw@capshawlaw.com>';
'jw@wsfirm.com<mailto:jw@wsfirm.com>'; 'claire@wsfirm.com<mailto:claire@wsfirm.com>'; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'
Subject: RE: Rockstar v. Google

Dear Lance,

The local rules require Google to chart obviousness combinations now. "Patent Rule 3-3(b) requires disclosure of combinations, not just references, and thus does not expect the patentee to consider every possible combination of the references disclosed. P.R. 3-3(b)." LML Patent Corp. v. JPMorgan Chase & Co., No. 08-CV-448, 2011 WL 5158285, at *4 (E.D. Tex. Aug. 11, 2011). Saying that you can combine any of the art on list A with the art on list B doesn't comply, especially when the preamble of the list says "Google reserves the right to rely on un-cited portions of the prior art references," the main body of Google's invalidity contentions says "Google reserves the right to rely on any combination of any prior art references disclosed herein," and the lists Google provides are "non-exhaustive."

Please confirm by tomorrow if Google intends to comply with Local Rule 3-3. Plaintiffs cannot meaningfully assess what an order limiting claims and prior art should look like before then. Absent confirmation that Google will comply, we will have no choice but to seek relief from the Court.

Thanks,
John

John P. Lahad
Susman Godfrey L.L.P.
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713-654-6666 (fax)

From: Lance Yang [mailto:lanceyang@quinnemanuel.com]
Sent: Monday, June 30, 2014 7:34 PM
To: John Lahad; Justin A. Nelson
Cc: Amanda Bonn; Alexander L. Kaplan;
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'ccapshaw@capshawlaw.com<mailto:ccapshaw@capshawlaw.com>';
'jw@wsfirm.com<mailto:jw@wsfirm.com>'; 'claire@wsfirm.com<mailto:claire@wsfirm.com>'; Max L.
Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-
Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'
Subject: RE: Rockstar v. Google

John,

Please see attached.

Best,

Lance Yang
Associate
Quinn Emanuel Urquhart & Sullivan, LLP
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
213-443-3360 Direct
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From: John Lahad [mailto:jlahad@SusmanGodfrey.com]
Sent: Wednesday, June 25, 2014 11:51 AM
To: Andrea P Roberts; Justin A. Nelson
Cc: Amanda Bonn; Alexander L. Kaplan;
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'ccapshaw@capshawlaw.com<mailto:ccapshaw@capshawlaw.com>';

'jw@wsfirm.com<mailto:jw@wsfirm.com>'; 'claire@wsfirm.com<mailto:claire@wsfirm.com>'; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'
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Andrea,
Please see the attached.
Thanks.

John P. Lahad
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From: Andrea P Roberts [mailto:andreaproberts@quinnemanuel.com]
Sent: Monday, June 23, 2014 1:59 PM
To: Justin A. Nelson; John Lahad
Cc: Amanda Bonn; Alexander L. Kaplan;
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'ccapshaw@capshawlaw.com<mailto:ccapshaw@capshawlaw.com>';
'jw@wsfirm.com<mailto:jw@wsfirm.com>'; 'claire@wsfirm.com<mailto:claire@wsfirm.com>'; Max L. Tribble; Kristin Malone; Parker Folse; Cyndi Obuz; John Dolan; Shawn Blackburn; QE-Google-Rockstar; 'James Mark Mann'; 'Andy Tindel'; 'Gregory Blake Thompson'
Subject: Rockstar v. Google

Justin and John,

Please see attached.

Thanks.

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

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