

Exhibit 7

Amanda Bonn

From: Amanda Bonn
Sent: Friday, July 25, 2014 4:58 PM
To: 'Andrea P Roberts'; John Lahad; Justin A. Nelson; Shawn Blackburn; Alexander L. Kaplan; Cyndi Obuz; John Dolan; Kristin Malone; Max L. Tribble; Parker Folse; Stacy Schulze; Tammie J. DeNio; 'jrambin@capshawlaw.com'; 'ederieux@capshawlaw.com'; 'ccapshaw@capshawlaw.com'; 'jw@wsfirm.com'; 'claire@wsfirm.com'
Cc: QE-Google-Rockstar; 'James Mark Mann'; 'Gregory Blake Thompson'; 'Andy Tindel'
Subject: Rockstar v. Google: Outstanding Meet-and-Confer Issues

Andrea,

I write in response to your July 17 letter in the hopes of resolving outstanding issues that we have been meeting-and-conferring about over the past month or so. We request that Google send us any response by Tuesday afternoon and agree to have a follow-up call on Thursday as necessary. We hope that we can work cooperatively toward resolving any outstanding issues. But given that we have now met-and-conferred for over a month—including our in-person meet-and-confer—we intend to move to compel on any issues we can't resolve by next Thursday.

ESI:

Please let us know whether Google will agree to produce the additional metadata fields that we have exchanged emails about.

In addition, it appears that Google is taking the position that the ESI Order exempts both parties from producing any post-Complaint documents. We do not think our agreement was so broad. Rather, while we agreed that neither party had an obligation to conduct a general post-Complaint ESI search, it is clear that there are certain categories of post-Complaint documents that are highly relevant and ought to be produced. One example is communications with third parties regarding the lawsuit. Another is financial data. Please confirm that Google is not refusing to produce documents in these categories based on the ESI Order.

Email Custodians:

We will send you a list of proposed additional custodians by Tuesday.

Interrogatories:

Interrogatory No. 2—As you mentioned, we provided our good faith list of specific functionalities on July 10. If not on July 25, please provide a date by which you intend to supplement.

Interrogatory No. 7—You appear to be agreeing to supplement Google's response. Please confirm and provide a date by which you intend to supplement.

Interrogatory No. 8—You appear to be excluding non-accused products that use search or ads or user profile data from your supplementation. Your stated basis appears to be relevance, but as you are well aware, the claims directly involved search, ads, and user profile data. We will move to compel.

Interrogatory No. 9— Google has agreed to supplement by July 25.

Interrogatory No. 10—You mentioned that you are looking into whether Google will supplement its response. Please confirm and provide a date by which you intend to supplement.

Interrogatory No. 12— Google has agreed to supplement by July 25.

Document Requests:

Request Nos. 9-11—You appear to be limiting your response to technical design documents about how the system works. We made clear in our meet-and-confer that we also expected Google to produce testing or development documents, marketing or other business strategy documents, and other documents regarding the importance of such systems to Google. Please confirm that Google will search for and produce the full scope of what we are seeking, and not limit its response to technical documents that show the systems' operation.

Request No. 12—You appear to be limiting your response to documents related to the creation of the Accused Instrumentalities "which talk about the importance of them." That is much narrower than what we explained in our meet-and-confer and July 10 email. Please confirm that Google will search for and produce the full scope of what we are asking for.

Request No. 13—Google is agreeing to produce documents regarding how such data is used in Accused Instrumentalities, but not documents about how data collected through Accused Instrumentalities is used in other products. We will move to compel on the latter category.

Request No. 14—Google is refusing to produce responsive documents, apparently based on the same rationale as to Request No. 13. We will move to compel.

Request Nos. 15 and 16—You have asserted that documents requested here are covered by earlier requests. Yet you have limited your response to earlier requests and as such we can't tell what you're actually agreeing to produce. Please confirm that Google will produce the requested documents, which we expect would include technical design documents and specifications showing how the systems work; testing or development documents; marketing or other business strategy documents; documents showing why these systems are important to Google; and documents relating to the creation of these products and their benefits.

Request No. 17—We have requested documents, suggested the types of documents we expect to be responsive to our request, and proposed a way of limiting the search (*i.e.*, to members of the EMG-group or equivalent and group lead managers). You have not agreed to our proposal, or made a counter-proposal, and have simply said you will "investigate" whether you will agree to produce responsive documents. Please let us know by Tuesday whether you will agree to our proposal, or we will move to compel.

Request No. 18—Again, it appears that Google is refusing to produce responsive documents, as with request No. 14. We will move to compel.

Request No. 19—You have said you will investigate issues relating to Dashboard documents. But you have not responded in any way as to whether Google is agreeing to produce other responsive, non-privileged documents set forth in our July 10 email. In addition, we expect a response regarding Google's production of Dashboard information by Tuesday.

Request No. 22—You have apparently limited our request to "presentations or documents provided to the Board" or EMG or officers. That is not what we asked for. We asked for documents "presented to, created by, or in the possession of the Board of directors, members of the EMG (or equivalent), or officers . . ." Moreover, you haven't responded to our request other than to say you have "concern[s] that remain[]." Please let us know by Tuesday whether you will produce responsive documents or we will move to compel.

Request Nos. 23-24—You failed to respond to the issues in our letter by arguing that it is covered by Request No. 19. These request call for documents relating to holdback studies or A/B testing. You have not addressed that issue in

response to No. 19 or otherwise. Please confirm that you will produce what we are requesting by Tuesday, or we will move to compel.

Request No. 25—You appear to be relying on your Rule 3.4 production to satisfy your discovery obligations. We have been clear about what this request is seeking and a “sufficient to show” production—which also excludes searches of custodial data—does not suffice. We will move to compel.

Request Nos. 26-27—You are refusing to produce documents. We will move to compel.

Request No. 28—You have stated you are considering this request. Please let us know your position by Tuesday, or we will move to compel.

Request No. 29—Please confirm that Google is agreeing to search for and produce documents or presentations sufficient to show the largest 50 publisher affiliates. We understand that you are investigating whether such documents exist. But what we are asking for is a confirmation that Google will produce such documents if they do.

Request No. 31—As we proposed during our meet-and-confer, and as Google indicated it would consider, we think it makes sense for Google to at least preliminary tell us what data it maintains in Dashboard so we can determine a non-burdensome way for Google to produce the necessary data (rather than, as you stated, all underlying log data). Please give us an answer on whether you will do so by Tuesday.

Request No. 32—You indicated you have completed your search for responsive documents. Please confirm that Google has produced all responsive, non-privileged documents.

Request No. 34—You seemed to understand this request in your June 18 letter. We simply asked for clarification whether you were actually agreeing to produce responsive, non-privileged documents located in an ESI search (your letter was vague as to your intent regarding future ESI searching). Now, however, you are claiming you don’t understand the request and need further clarification. With all due respect, we think the request is clear and are not sure what clarification you could possibly need. Moreover, as you pointed out, it appears that Google has now taken down the language at issue from its website, which indeed appeared in prior versions. We expect documents responsive to this request to include any documentation about the circumstances regarding Google’s decision to remove this language from its website, and documents reflecting prior versions of Google’s website that did contain such language, among others. Please advise whether you will produce such documents or we will move to compel.

Request Nos. 35-37—Same as above. You initially objected that you did not know the source of the statements, and we have since provided the source. You now indicate that you don’t understand what the requests are searching for. We are asking for any documents relating to the identified statements, whether technical documents, marketing documents, or otherwise. Please let us know whether you are agreeing to produce responsive, non-privileged documents by Tuesday, or we will move to compel.

Request No. 38—You have misstated our position as being limited to GPS data. My July 10 email stated that “device location could refer to things other than an IP address, for example, GPS coordinates, etc.” Please confirm that you are agreeing to produce documents responsive to the full scope of our request—whether IP addresses, GPS coordinates, or any other “device location”—and are not artificially limiting it only to GPS data.

Request No. 39—You have suggested that we indicated the “user-selected location” refers to a specified “location to search.” We are not sure what you mean by “location to search”—that is not what we said. We indicated that “user-selected location” means precisely what it says—a location that the user selects. Please confirm that you are not somehow limiting your response to “location to search.”

Request No. 44—We have requested certain documents relating to “prior purchasing information.” Your response limits this to what you call “user-specific prior purchasing information” and indicates you don’t have any such “user-specific”

related documents. If you can give us a high-level overview of how Google uses any prior purchasing information through Google Wallet or otherwise (as we requested) and provide documents sufficient to allow us to verify that, we may be able to resolve this request. As it stands, however, it seems Google is artificially limiting its response to what it calls “user-specific” prior purchasing information. Please advise us of your position by Tuesday.

Request No. 45—Our request seeks documents relating to AdWords “language targeting” feature, whether summarized in Google’s support pages or not. As you stated, those support pages can’t always be relied on to show exactly how the product works. So we are unwilling to limit our request to functionalities outlined in the support website. Please confirm you will produce responsive documents regarding “language targeting,” and not artificially limit based on whether they relate to Google’s support website.

Request No. 49—Please confirm that you will actually produce all responsive source code for search and search plus ads.

Request No. 51—You have said our request is limited to test results, but that is not the case. You also have still not let us know whether you will produce responsive documents. Please let us know whether you will do so by Tuesday, or we will move to compel.

Request Nos. 53-54-- You have indicated we are limiting these requests to their connection to user profile data. My email indicated we also think they are relevant to search refinement. You have not told us whether you will produce responsive documents. Please do so by Tuesday, or we will move to compel.

Request No. 55—Respectfully, it’s tough for us to credit that you don’t understand the relevance of documents regarding Google’s Ads Preference manager in a case all about correlating ads based on search arguments, search results and/or user profile data (among other issues). If you’re really having difficulty, we suggest you look at Google’s own videos about the purpose of the “Ads Preference Manager,” and numerous terms both parties asked to be construed (including but not limited to “user profile data,” “user-preference edit input,” “search refinement input,” “user preference re-prioritization input” and others). Unless you confirm by Tuesday that you will produce responsive documents, we will move to compel.

Request No. 57—To clarify, we are looking for (1) documents regarding how ads are returned on YouTube in connection with searches run on YouTube and (2) any use of user profile data (whether collected through YouTube or otherwise through search plus ads) to return ads on YouTube. Please let us know your position by Tuesday.

Request No. 58—If you can give us an assurance of your representation regarding how AdWords for video works and sufficient documentation to allow us to verify that, we may be able to resolve this request. In addition, please give us an assurance and sufficient documentation to show that Google doesn’t use user profile data collected from search plus ads (including, but not limited to, data regarding success, previous search arguments, quality score, etc.) in AdWords for Video. If you can give us a high-level description of how AdWords for video works and enough documents for us to verify, that may initially suffice.

Request No. 59—Please confirm that you are agreeing to produce documents.

Request No. 60—You asked if we are seeking documents relating to historical click-through rates. The answer is yes. Please let us know your position on this request by Tuesday.

Request No. 61—We understood you were agreeing to produce responsive, non-privileged documents. You have disputed that, and responded that you are only agreeing to “look[] for” such documents. Please confirm that you will not only look for documents, but produce them to the extent they are located after a reasonably diligent search.

Request No. 67—During our meet-and-confer, we agreed that Rockstar would, in good faith, provide a list of accused functionalities and that Google would re-consider its position on various document requests to the extent that the list helped Google identify responsive documents. We can agree that the presentations we are seeking via this request

would be those that relate to the functionalities described in our list. We expect, in fact, that the vast majority of presentations about these products would necessarily include accused functionalities. If you can explain to us what sorts of presentations about these products you think would be unrelated to accused functionalities, we are certainly willing to consider that issue. Please let us know your position by Tuesday.

Request No. 68—You have misstated our position. We said that this request relates to Google’s testing group, which we have “discussed” in relation to other requests. We did not say it was duplicative of other requests, or agree that Google need not respond to it. You also said you would check with your client on whether you will produce responsive documents. Google has also refused to tell us in response to other requests, or this one, whether it will actually produce such testing documents. Please let us know by Tuesday whether you will do so.

Request Nos. 69-70—Whose custodial files are you planning to search? Please let us know by Tuesday so we can have a productive discussion.

Request No. 71—Please confirm that you are agreeing to actually produce responsive documents that “may be located.”

Request No. 72-- Whether the documents are in a “central repository” or in “custodial files”—*i.e.*, legal department files, one would think, or otherwise—we think they are relevant, responsive, and should be produced. Please let us know by Tuesday whether you will do so.

Request Nos. 82-83—You have said you are still looking into these requests. Please let us know by Tuesday whether you will produce responsive documents.

Request No. 85—Whether we can get similar information from a 30(b)(6) deposition in this case doesn’t negate our right to know what, for example, your 30(b)(6) witnesses have said about these issues in the past. Nor does it negate our right to receive other responsive, non-privileged documents on the subject. You have still not told us whether you will produce responsive documents. Please do so by Tuesday.

Request No. 87—There may be some documents responsive to this request that Google intends to rely on for its defense against willfulness. There may be others that are responsive, but that Google does not intend to use for that purpose. That Google might be entitled to defer some production until November does not negate Google’s obligation to produce other responsive documents earlier. Discussions about whether or not this is covered by other requests are unhelpful, especially given that the request is clear on its face. What would be helpful is for Google to let us know its position on this request and whether it will produce responsive documents. Please confirm that Google will do so.

Request Nos. 88-89—Your letter didn’t address these request. Please confirm you are producing responsive documents as set forth in my last email.

Request No. 90—You have still not told us whether you will produce responsive, non-privileged documents. Please do so.

Request No. 92—You are apparently refusing to produce responsive, non-privileged documents. We will move to compel.

Request No. 93—Rockstar will agree to the claw-back agreement you propose, subject to ironing out the specifics. Please let us know what documents you are agreeing to produce.

Request No. 94—Please confirm that you are agreeing to search for and produce responsive, non-privileged documents.

Request No. 95—We will move to compel.

Request Nos. 96-109—I think you have overstated our position by suggesting we do not need to know “where Google’s servers are located.” What my email said is that we do not need documents showing “the exact location of the data centers,” but that we would need documents to show how data flows (as explained further on our call and in my email). Please let us know your position on these requests by Tuesday.

Request No. 111—While the ESI Order makes clear that the parties need not conduct a general ESI search for post-Complaint documents, we think there are clearly categories of documents that were not meant to be covered by that statement and should be produced including, among other things, communications with third parties post-litigation (including, for example, Google’s communications with any party it subpoenas, any prior art inventor, etc.). These documents are highly relevant and go to issues regarding, potentially, witness credibility, among other things. If Google does not agree to produce these documents, we will move to compel. In addition, you have not confirmed that you will search custodial data for pre-Complaint documents. Please confirm that you will do so.

Request No. 113—Are you agreeing to search for and produce responsive documents to this request? We believe many of the documents requested are likely covered by other requests, but need an answer as to what you are doing about this request. Please let us know.

Request No. 115—It seems we both understand what this request is seeking. Discussions about whether or not it is duplicative of other requests is distracting and unhelpful. Please advise whether Google is agreeing to produce responsive, non-privileged documents.

Request No. 116—For now, summary form of financial data is acceptable, but we reserve the right to ask for more documents after we see it. We do want high-level financial data relating to cost, revenue, and profit information (gross and net) on a quarterly basis since the introduction of these products (and we are asking for it now). Moreover, in light of your indication in response to other requests that you do not believe you have an obligation to produce any post-Complaint documents, please confirm that Google intends to produce post-Complaint financial data.

Request No. 117—Please let us know your position by Tuesday.

Request Nos. 119-22—You offered a clarification regarding No. 119. But that request calls only for documents concerning the policies or practices for authorization to use and technology transfer agreements, not the underlying agreements themselves. Please confirm that Google will produce the responsive documents regarding policies or practices.

Request Nos. 125-126—Are you agreeing to search custodial data other than email and produce responsive documents?

Request No. 142—Please confirm that your response is not limited to “prior art systems,” but all prior art Google is asserting.

Request No. 143-145-- Google is refusing to produce documents. We will move to compel.

Request Nos. 146 & 148—You asked if we wanted Google to generate these directory reports for persons listed in Google’s initial disclosures. Please do so. Please also do not limit your search to people you have listed on your Initial Disclosures, but do so for the specific categories of employees we have requested. You indicated my email “skipped” request No. 148. It didn’t. Please produce responsive documents from the directory regarding Request No. 148 as well.

Request No. 150—You are limiting your response to our request for documents concerning interrogatories to documents that Google either (1) relies on under Rule 33(d) or (2) is within the scope of an interrogatory asking for document identification. We disagree with Google’s position that this is a sufficient response, and will move to compel.

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