

# EXHIBIT A

**From:** John Lahad [jlahad@SusmanGodfrey.com]  
**Sent:** Thursday, September 04, 2014 1:19 PM  
**To:** Lance Yang; Amanda Bonn; 'jrambin@capshawlaw.com'; 'ederieux@capshawlaw.com'; 'ccapshaw@capshawlaw.com'; 'jw@wsfirm.com'; 'claire@wsfirm.com'; Alexander L. Kaplan; Max L. Tribble; Cyndi Obuz; John Dolan; Justin A. Nelson; Kristin Malone; Max L. Tribble; Parker Folse; Shawn Blackburn; Stacy Schulze; Tammie J. DeNio  
**Cc:** QE-Google-Rockstar; 'Mark Mann'; 'blake@themannfirm.com'; 'Andy Tindel'  
**Subject:** RE: Rockstar v. Google: Motion to Strike Obviousness Combinations

Lance,

Thanks for your email. Rockstar respectfully declines Google's invitation to withdraw our motion in exchange for agreeing to a proposal made on the eve of the deadline for Google to submit its sur-reply. Google's latest proposal does not address Rockstar's concerns. Under this latest proposal, Google still seeks to rely on an unreasonably large number of obviousness combinations, and still reserves the right to mix and match combinations on a limitation-by-limitation basis. This, too, does not comport with PR 3-3(b).

Presumably, you will cite your so-called compromise (and our rejection of it) in your sur-reply. We respectfully request that if you do so, you include the entirety of this correspondence as an exhibit.

Thanks in advance.

Best,  
John

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

---

**From:** Lance Yang [<mailto:lanceyang@quinnemanuel.com>]  
**Sent:** Wednesday, September 03, 2014 7:10 PM  
**To:** John Lahad; Amanda Bonn; 'jrambin@capshawlaw.com'; 'ederieux@capshawlaw.com'; 'ccapshaw@capshawlaw.com'; 'jw@wsfirm.com'; 'claire@wsfirm.com'; Alexander L. Kaplan; Max L. Tribble; Cyndi Obuz; John Dolan; Justin A. Nelson; Kristin Malone; Max L. Tribble; Parker Folse; Shawn Blackburn; Stacy Schulze; Tammie J. DeNio  
**Cc:** QE-Google-Rockstar; 'Mark Mann'; 'blake@themannfirm.com'; 'Andy Tindel'  
**Subject:** Rockstar v. Google: Motion to Strike Obviousness Combinations

John,

Google maintains that it has properly identified its obviousness combinations under P.R. 3-3(b), as demonstrated by the cases cited in the parties' briefing on this issue, particularly *Personal Audio*. Google, however, still believes that this issue can—and should—be resolved without burdening the Court.

To address Rockstar's concern with the "any one or more" language cited on page 2 of its Reply, Google proposes to drop the "or more" language. Thus, for each limitation in charts A-1 to A-39 that refers to B chart for obviousness, Google would rely on the combination of the anticipatory reference (A-1 to A-39) with any one of the references cited the cited B chart. In other words, Google is proposing to replace "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 B\_ references" with "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 of the Table B\_ references."

Note that this proposal is limited to the "or more" language cited in Rockstar's Reply regarding multi-reference combinations for each limitation. Google reserves the right to rely on different obviousness references across different limitations. For example, Google may rely on the combination of A+B for one limitation as well as the combination of A+C for another limitation. Additionally, nothing in this proposal affects Google's right to rely on obviousness based on the knowledge of one of ordinary skill in the art (i.e., state of the art). Similarly, nothing in this proposal affects Google's ability to rely on multiple references to describe the background or scope of the art generally.

In exchange for Google's proposed narrowing, Rockstar would withdraw its motion to strike in its entirety. Please let us know if Rockstar agrees before 3 pm pacific on Thursday.

Also, Rockstar had previously cited the dispute regarding Google's obviousness combinations as the holdup in adopting the model order. In light of Google's proposal, let us know if Rockstar will also agree to adopt the model order as proposed in Google's motion regarding entry of the model order.

We are available to discuss this proposal on a call.

Best,

**Lance Yang**

*Associate*

Quinn Emanuel Urquhart & Sullivan, LLP

865 S. Figueroa Street, 10th Floor

Los Angeles, CA 90017

213-443-3360 Direct

213-443-3000 Main Office Number

213-443-3100 Fax

[lanceyang@quinnemanuel.com](mailto:lanceyang@quinnemanuel.com)

[www.quinnemanuel.com](http://www.quinnemanuel.com)

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.