

Exhibit H
to the
Declaration Of Shawn G. Hansen In Support Of
Plaintiff EMG Technology, LLC's Response In
Opposition To Apple Inc.'s Motion To Vacate The
Deadlines In The Docket Control And Discovery
Orders And For A Case Management Conference

Hansen, Shawn

From: John Lane [Lane4@fr.com]
Sent: Friday, December 18, 2009 7:57 AM
To: Hansen, Shawn
Cc: Garland Stephens; David Healey
Subject: RE: EMG v. Apple - Apple's Failure to Comply with Paragraph 2.C.iv. of the Discovery Order

Shawn –

We disagree. We have not agreed to email search terms. Back in the summer, we had some calls and emails with Stan on the search terms, but have not heard back from Stan or any attorneys at Manatt on the search terms in months. Nonetheless, we will revisit the search terms that were currently on the table and get back to you. Also, there is no protective order in place, and as I indicated in my previous email, Apple will not produce any documents without a protective order in place or an agreement between the parties that includes a prosecution bar.

As to your request for Mr. Westerman's emails, again, there is no protective order in place. Also, we do understand how Mr. Westerman's emails are relevant to this case. Please explain why EMG believes they are relevant.

**Thanks,
John**

From: Hansen, Shawn [mailto:SHansen@manatt.com]
Sent: Thursday, December 17, 2009 7:55 PM
To: John Lane
Subject: EMG v. Apple - Apple's Failure to Comply with Paragraph 2.C.iv. of the Discovery Order

John,

Apple's production of emails pursuant to Paragraph 2.C.iv. of the Discovery Order now is long overdue. On June 30, 2009, Stan provided key words for searching that limit the amount of email to a reasonable amount. Apple was to produce emails within one hundred and twenty (120) days, or by October 28, 2009. Please provide a date certain when Apple will comply with its obligation to produce emails in compliance with Paragraph 2.C.iv. of the Discovery Order.

To the extent Apple would like to discuss possible modification of the key word list, please let me know the volume of emails responsive to the June 30, 2009, list so we have a sense of how much modification of the list may be appropriate.

In addition, I have received no response to my email of October 27, 2009, requesting emails from Wayne Westerman. Please confirm that Apple will comply with that request and provide a date certain when the emails of Mr. Westerman will be produced.

Thank you,

Shawn G. Hansen
Partner
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650.812.1367 - direct
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12/30/2009

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