

Exhibit M

From: John Lane
Sent: Tuesday, October 27, 2009 11:13 AM
To: 'Hansen, Shawn'
Subject: RE: EMG v. Apple et al.
Attachments: 7-9-09 EMG DRAFT protective order.doc

Shawn –

I will discuss your request with my team and get back to you.

In the meantime, we need to move forwards on the protective order. As I understand it, there are 3 issues:

1. Elliot Gottfurcht's access to defendants' confidential information. Apple's position is that Mr. Gottfurcht should not have access to Apple confidential information.
2. Prosecution/reexam bar. Apple's position is that attorneys participating in prosecution and/or reexams should not have access to Apple confidential information.
3. Source code provisions. We sent you a proposed version of the protective order (attached) which now is outdated and needs some revisions. In response, EMG suggested that we use the source code provisions from the PO in Visto v. Microsoft. I think we should discuss by phone to see if we actually have any disputes regarding source code provisions, and, if so, whether we can resolve any of those disputes without involving the court.

We should also discuss the schedule and logistics for briefing the disputes issues.

Are you available later today to have a call on these issues?

Thanks,
John

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

From: Hansen, Shawn [mailto:SHansen@manatt.com]
Sent: Tuesday, October 27, 2009 9:31 AM
To: John Lane
Subject: EMG v. Apple et al.

John,

Consistent with paragraphs 2.C. and 11 of the Discovery Order, EMG hereby requests production of emails and other documents to, from or in the custody of Wayne Westerman dated on or after March 28, 2006 that refer or relate to development of software and/or hardware for navigating Internet content and/or manipulating the screen of a device for viewing and zooming and/or scrolling of displayed Internet content. This request includes, but is not limited to, development relating to Apple's iPhone, iPod Touch, AppleTV, and Front Row products.

Thank you,

Shawn G. Hansen

Partner
manatt | phelps | phillips

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