

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALOFT MEDIA, LLC,

Plaintiff,

v.

YAHOO!, INC., et al.,

Defendants.

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Civil Action No. 6:08-cv-509

JURY TRIAL DEMANDED

EXHIBIT 1

May 8, 2009

Via E-Mail

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Re: *Aloft Media, LLC v. Yahoo! Inc., et al.*, Civil Action No. 6:08-cv-509 in the United States District Court for the Eastern District of Texas, Tyler Division

Dear Counsel:

In dealing with our briefing in response to the Defendants' motion to transfer in this case, we noted that the Defendants referenced a preliminary investigation that apparently identified "Microsoft Corporation of Redmond, Washington" as a potential source of information to support Defendants' defenses, presumably prior art.

The Defendants' motion, however, does not indicate what information Microsoft might have, what persons at Microsoft might be witnesses, nor where such Microsoft employees might be located. As you know, Microsoft has employees at many locations throughout the United States and the rest of the world, not just in Washington state.

The Defendants' motion is silent as to many persons with knowledge of relevant facts, including persons with knowledge of the prior art.

In order for the Court to fully and appropriately consider the Defendants' motion, the Court should be provided with complete information about all witnesses the Defendants have



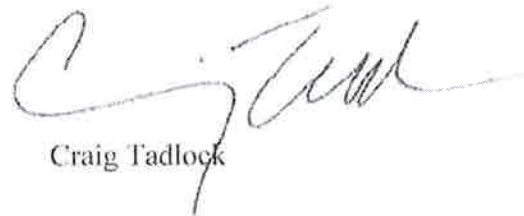
currently identified or anticipate have information relevant to the claims and defenses in this action, including prior art witnesses, and where those witnesses are located.

In order for the Defendants to fulfill their duties of candor to the Court and provide it all relevant information necessary to decide the pending motion, please provide a disclosure of all persons currently known by Defendants that may have knowledge relevant to the claims and defenses. This disclosure should provide all of the information required under paragraph 1(d) of the Court's standard Discovery Order – that is, “the name, address, and telephone number of persons having knowledge of relevant facts, a brief statement of each identified person's connection with the case, and a brief, fair summary of the substance of the information known by such person.”

Please confirm by Tuesday, May 12, that Defendants will provide these disclosures, and please provide them by Friday, May 15. The timing is driven by the briefing schedule.

If you have any questions, please contact me.

Sincerely,



Craig Tadlock

cc: Aloft Team