

**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 2**

# KING & SPALDING

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May 12, 2009

## VIA ELECTRONIC MAIL

Craig Tadlock  
Albritton Law Firm  
111 West Tyler Street  
Longview, TX 75601

**Re: Aloft Media, LLC v. Yahoo! Inc., et al. (Case No. 6:08-cv-509-LED)**

Dear Craig:

This letter is in response to your May 8, 2009 letter questioning the Motion to Transfer's reference to Microsoft as a potential source of information to support Defendants' defenses. Based on a preliminary analysis of the asserted patent and the products that appear to be accused of infringement in the Complaint, Google believes in good faith that Microsoft has information relevant to the parties' claims and defenses.

Having read your letter, it appears that you may have overlooked the Declaration I signed and submitted with the Motion to Transfer, which states in ¶ 10:

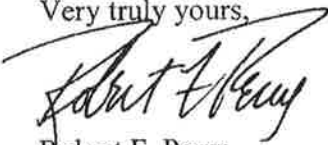
Upon information and belief: Microsoft Corporation ("Microsoft") is headquartered in Redmond, Washington; Microsoft released an instant messenger application in 1999; subsequent versions of the instant messenger application supported file transfers and PC-to-PC and PC-to-phone audio capabilities. Discoverable information (including publications, products and witness testimony) relating to Microsoft products may present prior art important to Google's defense.

I believe this answers at least some of your questions. In addition, if Aloft were to provide Defendants with infringement contentions identifying the allegedly infringing features of the accused products, Google might then be able to provide more specific information about its prior art defenses. Otherwise, Google intends to fully identify its defenses, relevant parties and prior art pursuant to the federal and local rules as well as any discovery and scheduling orders entered by the Court.

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Please don't hesitate to contact me if you have any questions or would like to discuss this matter further.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert F. Perry". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Robert F. Perry

cc: Aloft Counsel (via email)  
Google Outside Counsel (via e-mail)  
Scott T. Weingaertner (via e-mail)  
Christopher C. Carnaval (via e-mail)  
Michael A. Jacobs (via e-mail)  
Brooks M. Beard (via e-mail)  
Otis W. Carroll (via e-mail)  
Mike Jones (via e-mail)  
Allen Gardner (via e-mail)