

EXHIBIT 1

From: John B. Campbell
Sent: Wednesday, November 23, 2011 2:22 PM
To: Josh Thane
Cc: F&R Group Adobe; Eolas; Defendants-Eolas@ropesgray.com
Subject: RE: Eolas: Notice of Subpoena
Josh,

I appreciate you providing a response on behalf of all defendants.

As you know, Eolas has sought defendants' position on the Apple subpoena (the Patrick Heyden and LANL subpoenas you've raised for the first time today) for almost one month--since defendants first served the Apple subpoena without seeking leave of court. Having finally provided defendants' position, it is unreasonable to request Eolas' position a few hours later--on the Wednesday afternoon before Thanksgiving. Furthermore, Eolas cannot provide it's position without reviewing the proposed discovery defendants intend to serve. Eolas believes that Local Rule 7 requires the parties to meet and confer on this issue. Notably, Local Rule 7 states that "[c]orrespondence, e-mails, and facsimile transmissions do not constitute compliance with the substantive requirement" of Rule 7. During the meet and confer, the parties can discuss the proposed discovery and as well as the things required by Rule 7 for a discovery related motion. I also note that defendants' motion contains certain factual inaccuracies--we would be happy to discuss these during the meet and confer.

With respect to Eolas' proposed subpoena, please note that the Protective Order requires that a party destroy or return any protected material 60 days after the dismissal of another party. Eolas has complied with the Protective Order. Accordingly, Eolas does not have possession of the documents requested from Apple. Please let us know if this information changes your position.

Happy Thanksgiving,
John

From: Josh Thane [mailto:jthane@haltomdoan.com]
Sent: Wednesday, November 23, 2011 1:08 PM
To: John B. Campbell
Cc: F&R Group Adobe; Eolas; Defendants-Eolas@ropesgray.com
Subject: RE: Eolas: Notice of Subpoena

John,

I apologize for the delay, but I wanted to try and provide a response for all defendants to prevent a piecemeal storm of emails. I believe I speak for all of the defendants in saying that we oppose Plaintiffs seeking leave to serve their proposed subpoena on Apple. All of the defendants are copied on this email, so if I have misspoken they can speak up. Obviously, Apple produced documents to Eolas during this litigation and Plaintiffs should already have those documents in their possession. Thus, we don't see the need for Plaintiffs' to subpoena Apple for those same documents.

Defendants do, however, intend to seek leave to serve subpoenas on Apple, Patrick Heynen, and LANL. I've attached a copy of our proposed motion to this email. We intend to file this motion today, and given our previous discussion we intend to file this motion as opposed. Please let us know by COB today, however, if Plaintiffs do not oppose the motion. On a similar note, given the timing and upcoming events/deadlines we think that it would be prudent to agree to expedited briefing on this matter. We are happy to discuss this on Monday. Of course, if Plaintiffs decide to file their own motion for leave we would accommodate a similar expedited briefing schedule.

Regards,
Josh

From: John B. Campbell [mailto:jcampbell@McKoolSmith.com]
Sent: Tuesday, November 22, 2011 9:58 AM
To: Josh Thane
Cc: F&R Group Adobe; Eolas; Defendants-Eolas@ropesgray.com
Subject: RE: Eolas: Notice of Subpoena

Josh,

Please advise. Eolas would like to work through this issue with you, but continued delays may prejudice the parties ability to agree on a solution given the short time remaining before trial.

Again, please confirm Defendants are not remaining silent and allowing Apple to respond to an unenforceable subpoena. As you note, Apple has contractual obligations to Eolas. If Defendants are remaining silent, Defendants may be inducing Apple to breach these contractual obligations.

Thanks,
John

From: John B. Campbell
Sent: Thursday, November 17, 2011 6:14 PM
To: 'Josh Thane'
Cc: F&R Group Adobe; Eolas; Defendants-Eolas@ropesgray.com
Subject: RE: Eolas: Notice of Subpoena

Josh,

Thanks for your response. Please advise as soon as possible. Again, please confirm that Defendants are not remaining silent and allowing Apple to respond to a subpoena that Defendants agree is not valid absent leave of court.

Thanks,
John

From: Josh Thane [mailto:jthane@haltomdoan.com]
Sent: Wednesday, November 16, 2011 4:12 PM
To: John B. Campbell
Cc: F&R Group Adobe; Eolas; Defendants-Eolas@ropesgray.com
Subject: RE: Eolas: Notice of Subpoena

John –

I still haven't heard from all of the defendants regarding whether they would oppose Plaintiffs' request. I just pinged the group again, and should be able to get you a response shortly.

Thanks,
Josh

From: John B. Campbell [mailto:jcampbell@McKoolSmith.com]
Sent: Tuesday, November 15, 2011 2:18 PM
To: Josh Thane
Cc: F&R Group Adobe; Eolas; Defendants-Eolas@ropesgray.com
Subject: RE: Eolas: Notice of Subpoena

Josh,

Please advise.

Thanks,
John

From: John B. Campbell
Sent: Thursday, November 10, 2011 4:39 PM
To: 'Josh Thane'
Cc: F&R Group Adobe; Eolas; Defendants-Eolas@ropesgray.com
Subject: RE: Eolas: Notice of Subpoena

Josh,

Thanks for your response. Attached is the subpoena to Apple that Plaintiffs may serve if the Court permits. Please advise if Defendants oppose leave for Plaintiffs to serve this subpoena.

Given that leave is necessary for a subpoena to Apple, have Defendants informed Apple that a response is not required to the subpoena unless the Court grants leave?

Thanks,
John

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From: Josh Thane [mailto:jthane@haltomdoan.com]
Sent: Tuesday, November 08, 2011 1:55 PM
To: John B. Campbell
Cc: F&R Group Adobe; Eolas; Defendants-Eolas@ropesgray.com
Subject: RE: Eolas: Notice of Subpoena

John,

Defendants do believe that leave is likely necessary for a subpoena to Apple. As such, we will prepare a motion for leave to seek such discovery. Are Plaintiffs opposed to such a motion? Alternatively, if Eolas is willing to release Apple from its non-cooperation agreement this subpoena may not be necessary. Please advise. Also, can you please let us know what discovery/topics that Plaintiffs intend to seek from Apple.

Thanks,
Josh

From: John B. Campbell [mailto:jcampbell@McKoolSmith.com]
Sent: Tuesday, November 08, 2011 1:27 PM
To: Josh Thane; Eolas; Defendants-Eolas@ropesgray.com
Cc: F&R Group Adobe
Subject: RE: Eolas: Notice of Subpoena

Josh,

Please advise. We have been seeking your position on this for some time now. Given that Defendants have not stated their position, have they at least advised Apple that a response to the subpoena is not necessary while the parties work through the issue?

Thanks,
John

From: John B. Campbell
Sent: Friday, November 04, 2011 2:41 PM
To: 'Josh Thane'; Eolas; 'Defendants-Eolas@ropesgray.com'
Cc: 'F&R Group Adobe'
Subject: RE: Eolas: Notice of Subpoena

Josh,

Please let me know if you will advise Apple that they do not need to respond to Defendants' subpoena while you are looking into the question of whether leave is necessary.

Thanks,
John

From: John B. Campbell
Sent: Thursday, November 03, 2011 9:38 AM
To: 'Josh Thane'; Eolas; Defendants-Eolas@ropesgray.com
Cc: F&R Group Adobe
Subject: RE: Eolas: Notice of Subpoena

Josh,

Thanks for the response. If I understand you correctly, Defendants are looking into the question of whether leave is necessary for the subpoena Defendants already served on Apple and the subpoena Eolas is considering serving on Apple. If this is correct, Eolas believes that we should inform Apple that it is not necessary to respond to the already-served subpoena while the parties work through this issue. Please let us know if you agree and will advise Apple.

Thanks,
John

From: Josh Thane [mailto:jthane@haltomdoan.com]
Sent: Thursday, November 03, 2011 7:42 AM
To: John B. Campbell; Eolas; Defendants-Eolas@ropesgray.com
Cc: F&R Group Adobe
Subject: RE: Eolas: Notice of Subpoena

John – We are looking into this and coordinating with the other defendants. Hopefully I can have a response to you soon.

Thanks,
Josh

From: John B. Campbell [mailto:jcampbell@McKoolSmith.com]
Sent: Tuesday, November 01, 2011 3:42 PM
To: Josh Thane; Eolas; Defendants-Eolas@ropesgray.com
Cc: F&R Group Adobe
Subject: RE: Eolas: Notice of Subpoena

Josh,

Please advise. Eolas is considering serving its own subpoena to Apple. We would like to understand whether Defendants believe these subpoenas require leave given that discovery is closed.

Thanks,
John

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From: John B. Campbell
Sent: Thursday, October 27, 2011 1:32 PM
To: 'Josh Thane'; Eolas; Defendants-Eolas@ropesgray.com
Cc: F&R Group Adobe
Subject: RE: Eolas: Notice of Subpoena

Josh,

Given that discovery is closed, are Defendants planning to move for leave to serve this subpoena?

Thanks,
John

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From: Josh Thane [mailto:jthane@haltomdoan.com]
Sent: Wednesday, October 26, 2011 5:27 PM
To: Eolas; Defendants-Eolas@ropesgray.com
Cc: F&R Group Adobe
Subject: Eolas: Notice of Subpoena

Counsel:

Please find attached for service a notice of subpoena to Apple, Inc..

Regards,
Josh

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