

EXHIBIT 2

From: John B. Campbell
Sent: Wednesday, November 30, 2011 2:10 PM
To: Josh Thane
Cc: Eolas; 'Defendants-Eolas@ropesgray.com'
Subject: RE: Eolas - Apple/LANL Subpoenas

Josh,

Thanks. Eolas does not oppose the motion to expedite.

Best regards,
John

From: Josh Thane [jthane@haltomdoan.com]
Sent: Wednesday, November 30, 2011 12:00 PM
To: John B. Campbell
Cc: Eolas; 'Defendants-Eolas@ropesgray.com'
Subject: RE: Eolas - Apple/LANL Subpoenas

John – we have reached out to Apple’s counsel to let them know the situation involving the Apple subpoena and the fact that we are moving for leave to serve such. Hopefully this will assuage any concerns that you have. As I mentioned before, we have not received any responses or objections to the subpoena that was previously served.

In addition, we have revised the motion for expedited consideration to take into account the issue you raised below. I’ve attached a revised draft for your review. Please let us know if you have any additional comments regarding the motion.

Thanks,
Josh

From: John B. Campbell [mailto:jcampbell@McKoolSmith.com]
Sent: Tuesday, November 29, 2011 4:23 PM
To: Josh Thane
Cc: Eolas; 'Defendants-Eolas@ropesgray.com'
Subject: RE: Eolas - Apple/LANL Subpoenas

Josh,

We still have a concern related to the subpoena that was already served on Apple without leave of Court. We do not know who would have informed Apple so Defendants assumption may not be correct. Given Defendants served the subpoena without seeking leave, it seems reasonable that Defendants would at least send Apple a letter advising them that the subpoena is invalid without leave of Court.

Also, Plaintiffs cannot agree to the statement in the motion that "the requested discovery is needed for the completion of fact discovery, expert discovery, and preparation for trial, and because the issues have been contemplated by the parties for some time".

Feel free to call me to discuss.

Thanks,

12/5/2011

John

From: Josh Thane [mailto:jthane@haltomdoan.com]
Sent: Tuesday, November 29, 2011 4:11 PM
To: John B. Campbell
Cc: Eolas; 'Defendants-Eolas@ropesgray.com'
Subject: RE: Eolas - Apple/LANL Subpoenas

John –

Attached for your review are the motion and proposed order regarding expedited briefing. Please let us know if you have any comments or concerns.

Thanks,
Josh

From: Josh Thane
Sent: Tuesday, November 29, 2011 11:47 AM
To: 'John B. Campbell'
Cc: Eolas; Defendants-Eolas@ropesgray.com
Subject: RE: Eolas - Apple/LANL Subpoenas

We are okay with the sur-reply on December 14th. Our only contact with Apple regarding the subpoena has been through the process server. We have not otherwise had any contact with Apple, and understand that Apple would likely not speak with us regarding the subpoena for fear that they may be accused of breaching your non-cooperation agreement. That being said, we have not received any response/objections from Apple and, thus, assume someone has informed them that the subpoena is not enforceable absent leave of Court.

From: John B. Campbell [mailto:jcampbell@McKoolSmith.com]
Sent: Tuesday, November 29, 2011 11:31 AM
To: Josh Thane
Cc: Eolas; Defendants-Eolas@ropesgray.com
Subject: RE: Eolas - Apple/LANL Subpoenas

Josh,

Could we agree Plaintiffs' Sur-reply is due December 14th?

Also, Defendants have not responded to Plaintiffs' requests that Defendants confirm that they have notified Apple that the already-served subpoena is not enforceable absent leave from the Court. Please respond. If Defendants can confirm that Apple understands that the subpoena is not currently enforceable, Eolas will agree to the expedited briefing schedule with the above modification.

Thanks,
John

From: Josh Thane [mailto:jthane@haltomdoan.com]
Sent: Tuesday, November 29, 2011 11:09 AM
To: John B. Campbell
Cc: Eolas; Defendants-Eolas@ropesgray.com
Subject: RE: Eolas - Apple/LANL Subpoenas

John,

12/5/2011

Thanks for getting back to us. We are fine with the language you propose below, and have incorporated such into our certificate of conference. For your convenience, I've attached a copy of our draft motion that includes some minor revisions based upon the meet and confer. As we discussed yesterday, we plan to file our motion today and propose the following expedited briefing schedule:

- Plaintiffs' Response: Due December 5th
- Defendants' Reply (if any): Due December 9th
- Plaintiffs' Sur-reply (if any): Due December 13th

Please let us know if this briefing schedule is acceptable and we will prepare an agreed motion to circulate.

Thanks,
Josh

From: John B. Campbell [mailto:jcampbell@McKoolSmith.com]
Sent: Tuesday, November 29, 2011 10:09 AM
To: Josh Thane
Cc: Eolas; Defendants-Eolas@ropesgray.com
Subject: RE: Eolas - Apple/LANL Subpoenas

Josh,

Eolas proposes replacing paragraph 2 with the following. We removed the reasons Defendants oppose Plaintiffs discovery to avoid argument through the certificate of conference.

Plaintiffs oppose Defendants seeking leave to take the Media-View related discovery upon Apple, but offered to not oppose the motion for leave if Defendants agreed to allow Plaintiffs to take discovery from Apple related to Defendants' knowledge of the patents-in-suit and attempted design around efforts. Defendants do not object to Plaintiffs taking MediaView-related discovery upon Apple related to any information Apple provides responsive to Defendants' subpoena, but believe the discovery should not be broader. The parties could not come to an agreement and reached an impasse.

Please let us know your thoughts. Feel free to call me to discuss.

Thanks,
John

From: Josh Thane [mailto:jthane@haltomdoan.com]
Sent: Tuesday, November 29, 2011 8:53 AM
To: John B. Campbell
Cc: Eolas; Defendants-Eolas@ropesgray.com
Subject: Eolas - Apple/LANL Subpoenas

John –

Below for your review is the Certificate of Conference we anticipate including in our motion. Please let us know if you have any thoughts or comments. We are revising the motion to include some of the matters we discussed yesterday, and I'll circulate that later this morning.

CERTIFICATE OF CONFERENCE

The undersigned certifies that the parties have conferred by telephone at least twice on this matter, the

12/5/2011

most recent conference on November 28. Plaintiffs do not oppose portions of the relief requested, namely an authentication deposition of LANL regarding production materials [LANL92] and [LANL93] (*see* Exhibit 1), and the parties agreed that an attempt would be made to obtain authentication of these materials through a deposition on written questions or another mutually agreeable method that does not require the expense and logistics of a formal deposition. Defendants agree that it may be possible to postpone discovery on the LANL-Regents relationship (Exhibit 1, LANL Topic 3) if the Regents witness was sufficiently prepared to address topics beyond simply licensing, but Defendants prefer to have the follow-up discovery lined up now.

Plaintiffs also do not oppose Defendants seeking leave to take MediaView-related discovery on Apple provided that Plaintiffs are also permitted to seek discovery upon Apple. Defendants do not object to Plaintiffs taking MediaView-related discovery upon Apple related to any information Apple provides responsive to Defendants' subpoena, but believe the discovery should not be broader (Plaintiff has indicated that they wish to obtain materials related to Apple and Defendants' knowledge of the patents from Apple) at least because Plaintiffs (1) have already taken the discovery non-MediaView-related materials and (2) the non-cooperation agreement secured between Apple and Plaintiffs handicaps Defendants ability to take corrective or rebuttal testimony or documents from Apple.

Regards,
Josh

Josh Thane, J.D.

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