

# Exhibit 1

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**From:** mikejones@potterminton.com  
**Sent:** Tuesday, November 01, 2011 2:05 PM  
**To:** 'mmckool@mckoolsmith.com'  
**Subject:** Eolas v. Google

You will recall that we corresponded a little about trying to narrow the issues in the above referenced case with regard to Google. You indicated that you were going to get back with your team to see if we might have a meeting on this so as to discuss not only narrowing the issues but also a possible plan for the conduct of the trial of the case.

I thought I might give you a little more information with regard to narrowing the issues. There are numerous products in this case for which Eolas seeks little or no damages. It seems that the inclusion of these products in this case unnecessarily complicates the case.

For example, the following products have a very low total of the amount of damages:

Finance (\$1,909 = 0.001% of total damages)  
Analytics (\$2,241 = 0.001% of total damages)  
Picasa (\$4,781 = 0.003% of total damages)  
Voice (\$5,907 = 0.003% of total damages)  
Sketchup (\$8,709 = 0.005% of total damages)  
News (\$15,713 = 0.009% of total damages)  
Orkut (\$46,653 = 0.026% of total damages)

(Note: Given the stipulation regarding pre-suit damages, all numbers are post-suit damages as calculated in the Weinstein Report. These products add up to \$85,913 total, which is still less than 0.05% of the total damages. The next biggest damages number is \$1.10 million for Video, which is 0.6% of the total damages. After that is Instant at \$5.55 million, or 3.1% of the total damages.)

(Note on Orkut: Unlike most Google sites where approximately 50% of users are in the U.S., based on publicly available information I've found, only about 2.2% of Orkut's users are in the U.S. So damages for Orkut should be closer to \$2,000 than \$46,653.)

In addition to these products for which Eolas seeks very low damages, there are also products as to which Eolas seeks no damages. These products include the following:

- (1) Google's Chrome Browser
- (2) Google's Android Browser
- (3) Doubleclick
- (4) Google Music
- (5) Google Instant
- (3) Services
- (4) Latitude
- (5) Episodic

As you know, Judge Davis has really encouraged us to narrow issues and come up with an efficient way to conduct this case. It seems to me that doing something about these products would make a lot of sense and it also seems to me that there may be other ways to simplify the case if we all talked about it. These are my thoughts. I look forward to talking to you and your team about these ideas whenever you get a chance.

**Michael E. Jones**

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