

# Exhibit C

**Matt Rappaport**

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**From:** Nick Bunch [Bunch@fr.com]  
**Sent:** Wednesday, August 04, 2010 6:28 PM  
**To:** Josh Budwin  
**Cc:** Proshanto Mukherji; Eolas; Neil McNabnay  
**Subject:** RE: Eolas/Go Daddy -- M/C from Tues., Aug. 3  
Josh:

Thanks for your email.

On the first point, GoDaddy's technical folks have confirmed that it does not use any non-Microsoft software on its servers that is involved in serving Flash content.

On the other point, we do not mean to suggest that "one recent version of [the] code" would be the entirety of our source-code production. Rather, as we discussed, we will make one version available on August 9 serve to as the basis for us to collaboratively figure out what "representative" versions of the code are. For example, we discussed that you might identify a particular part of the code that uses Flash as something you are interested in, and we would then go back to our technical folks and figure out how that part of the code evolved over time, and produce representative versions of pages containing the different stages. I trust this addresses your concerns on this score.

Thanks,

Nick and Proshanto

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**From:** Josh Budwin [mailto:jbudwin@McKoolSmith.com]  
**Sent:** Tuesday, August 03, 2010 5:58 PM  
**To:** Nick Bunch  
**Cc:** Eolas; Proshanto Mukherji; Neil McNabnay  
**Subject:** RE: Eolas/Go Daddy -- M/C from Tues., Aug. 3

Hi Nick -

Two points.

Regarding your "first" point below, can you clarify as to whether GoDaddy runs any non-Microsoft software on its servers that is involved in serving Flash content? For example, does GoDaddy use the "Adobe Flash Media Server" (or other similar non-Microsoft product) to serve Flash content? See e.g. <https://www.adobe.com/products/flashmediaserver/>

Regarding your "third" point below, my recollection is that we (Eolas and GoDaddy) agreed to work to identify representative products. We provided you some clarification on what we meant by representative products, and you were going to consider our proposal and get back to us. Absent agreement on representative products, we cannot agree that "one recent version of its code" standing alone is a sufficient production of source code for purposes of this case.

Thanks.

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**From:** Nick Bunch [mailto:Bunch@fr.com]  
**Sent:** Tuesday, August 03, 2010 5:32 PM  
**To:** Josh Budwin  
**Cc:** Eolas; Proshanto Mukherji; Neil McNabnay  
**Subject:** Eolas/Go Daddy -- M/C from Tues., Aug. 3

Josh:

3/11/2011

Thank you for taking the time to meet and confer with us this afternoon. We write to memorialize our understanding of what we discussed.

First, we raised the issue of the Microsoft license, and specifically of how it applies to Go Daddy's use of server-side Microsoft products to serve its webpages. You stated that Eolas believes that its present contentions are consistent with the license, and that Eolas has no intention of breaching its obligations under the Microsoft license. You also pointed us to your response to Adobe's pending motion and your forthcoming answer to Microsoft's complaint against it in the Northern District of Illinois as providing further explanation of Eolas's position(s) on these issues. You also indicated that Eolas might drop some claims against Go Daddy on this basis after claim construction, if it becomes clear that they require server-side activity. We indicated that we would bring this issue up before Judge Davis at the CMC on August 31.

Second, we discussed your letter dated July 19, 2010, which requested documents relating to Go Daddy's use of various third-party products and services, such as Scene7 and Easy2. We informed you that based upon a reasonable investigation we have confirmed from Go Daddy's technical people that Go Daddy does not use any of the products or services listed in your letter. You told us that a formal letter stating as much would be a sufficient response to your letter, and that you had no specific reason to believe that Go Daddy uses or used any of these products or services. Please treat this email as such notice.

Third, we discussed your letter dated July 28, 2010. You said that Eolas may eventually want access to multiple versions of Go Daddy's website source code. For purposes of the Aug. 9 production, however, we agreed that Go Daddy will make available one recent version of its code, and that we will discuss further source code production once you have had a chance to inspect that.

Thanks again for your time. Please let us know if your recollection differs from ours on any of these points.

Thanks,

Nick and Proshanto.

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