

# **EXHIBIT L**

## Rosemary Snider

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**From:** Christopher J. Mierzejewski  
**Sent:** Friday, June 17, 2011 4:17 PM  
**To:** Hermes, Rebecca R.  
**Cc:** Ropes Google Group; allengardner@potterminton.com; mikejones@potterminton.com; Eolas  
**Subject:** RE: Eolas: IV and IIF discovery requests

Rebecca,

Thank you for the provided documents. The provided documents indicate that there should be additional documents that we have not been able to find in your production.

-Acquisition Notice(s) mentioned at RGGOOOGLE0000383.

-Election(s) to Participate mentioned at RGGOOOGLE0000428.

-Original Agreement and first three Amendments mentioned at RGGOOOGLE0000349.

-Documents showing amount Google has paid in subscription fees, management fees, license fees, etc. or any distributions.

Please advise.

Sincerely,  
Christopher

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**From:** Hermes, Rebecca R. [mailto:Rebecca.Hermes@ropesgray.com]  
**Sent:** Wednesday, June 15, 2011 2:31 PM  
**To:** Christopher J. Mierzejewski  
**Cc:** Ropes Google Group; allengardner@potterminton.com; mikejones@potterminton.com; Eolas  
**Subject:** RE: Eolas: IV and IIF discovery requests

Christopher,

We produced documents on a CD sent to your attention at your Austin office. It arrived this morning (signed for by "A. Munter" at 9:15 am). For your convenience, we will have paper copies of the documents available to you tomorrow here at Ropes & Gray.

Best regards,  
Becky

### **Rebecca R. Hermes**

#### **ROPES & GRAY LLP**

T +1 650 617 4019 | M +1 617 461 7656 | F +1 650 566 4203

1900 University Avenue, 6th Floor

East Palo Alto, CA 94303

[Rebecca.Hermes@ropesgray.com](mailto:Rebecca.Hermes@ropesgray.com)

[www.ropesgray.com](http://www.ropesgray.com)

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**From:** Christopher J. Mierzejewski [mailto:cmierzejewski@McKoolSmith.com]

6/20/2011

**Sent:** Wednesday, June 15, 2011 12:15 PM  
**To:** Hermes, Rebecca R.  
**Cc:** Ropes Google Group; allengardner@potterminton.com; Eolas  
**Subject:** FW: Eolas: IV and IIF discovery requests

Rebecca,

My understanding from our conversation yesterday in your offices is that Google/YouTube will be providing the requested information related to IV and IIF.

Can you respond to this e-mail today, just to confirm that the information will be produced? We are arranging meet and confers this week on the issue and would like written confirmation that Google/YouTube have agreed to produce the information so a meet and confer will not be needed.

Thank you,  
Christopher

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**From:** Josh Budwin  
**Sent:** Tuesday, June 14, 2011 3:12 PM  
**To:** Josh Thane; Jennifer Doan  
**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; apple@emafirm.com1; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; allengardner@potterminton.com; mikejones@potterminton.com; Mehta, Sonal  
**Subject:** RE: Eolas: IV and IIF discovery requests

Counsel -

When can we have our Rule 7 meet and confer on this issue? As shown by the thread below, we were trying to have this meet and confer occur on or before Wednesday (tomorrow), but none of you has offered us dates/times for the meet and confer.

Accordingly, should we not hear from each of you with respect to the meet and confer by COB today, we will file our motion to compel this week, and attach this email chain to the certificate of conference. We will indicate your apparent refusal to meet and confer in good faith, despite our multiple requests.

Thank you.

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**From:** Josh Budwin  
**Sent:** Monday, June 13, 2011 6:50 PM  
**To:** Josh Thane; Jennifer Doan  
**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; apple@emafirm.com1; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; allengardner@potterminton.com; mikejones@potterminton.com; Mehta, Sonal  
**Subject:** RE: Eolas: IV and IIF discovery requests

Counsel -

Please advise. We would like this meet and confer to occur no later than this Wednesday. Given that we've been asking for this information for sometime now, any further delay in scheduling a Rule 7 meet and confer is not well received.

Thank you.

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**From:** Josh Budwin  
**Sent:** Sunday, June 12, 2011 12:06 PM  
**To:** Josh Thane; Jennifer Doan  
**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; apple@emafirm.com1; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; allengardner@potterminton.com; mikejones@potterminton.com; Mehta, Sonal  
**Subject:** RE: Eolas: IV and IIF discovery requests

6/20/2011

All -

Please provide us with dates for a Local Rule 7 meet and confer to occur no later than this Wednesday. We've been seeking this discovery for some time now, and defendants' continued refusal to provide it prejudices Eolas' ability to prepare its case.

Thank you.

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**From:** Josh Budwin  
**Sent:** Friday, June 10, 2011 5:42 PM  
**To:** Josh Thane; Jennifer Doan  
**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; apple@emafirm.com1; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; allengardner@potterminton.com; mikejones@potterminton.com; Mehta, Sonal  
**Subject:** RE: Eolas: IV and IIF discovery requests

Thank you for the call today. We understand the defendants refuse to produce the requested information because they contend it is not relevant. Accordingly, we request that each defendant or the defendants collectively provide us with a date for a Rule 7 meet and confer between Monday and Wednesday next week.

Josh Thane <jthane@haltomdoan.com> wrote:

All:

Below is dial-in information for our 5:30pm CT call.

Telephone #888-889-4952  
Passcode: 46918

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**From:** Josh Budwin [mailto:jbudwin@McKoolSmith.com]  
**Sent:** Friday, June 10, 2011 2:12 PM  
**To:** Josh Budwin; Josh Thane; Jennifer Doan  
**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; apple@emafirm.com1; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; allengardner@potterminton.com; mikejones@potterminton.com; Mehta, Sonal  
**Subject:** RE: Eolas: IV and IIF discovery requests

Please provide the dial-in number.

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**From:** Josh Budwin  
**Sent:** Friday, June 10, 2011 8:41 AM  
**To:** Josh Thane; Jennifer Doan  
**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; apple@emafirm.com1; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; allengardner@potterminton.com; mikejones@potterminton.com; Mehta, Sonal  
**Subject:** RE: Eolas: IV and IIF discovery requests

Josh -

We will speak with you then on an informal basis.

Please provide the dial in info.

Thanks.

6/20/2011

Josh Thane <jthane@haltomdoan.com> wrote:

All of the defendants involved in this issue are available for an informal meet and confer tomorrow at 5:30pm CT. We will send around dial-in information prior to the call.

Josh

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**From:** Josh Budwin [mailto:jbudwin@McKoolSmith.com]

**Sent:** Thursday, June 09, 2011 10:31 AM

**To:** Jennifer Doan

**Cc:** Josh Thane; Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; apple@emafirm.com1; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; allengardner@potterminton.com; mikejones@potterminton.com; Mehta, Sonal

**Subject:** RE: Eolas: IV and IIF discovery requests

Hi Jennifer -

It is now Thursday, and we've been trying to coordinate this call all week, to occur this week. As you are aware, the deadline for expert reports is rapidly approaching. Any further delays on producing this relevant information and/or in scheduling a meet and confer so that we may compel it, may require an extension of Eolas' damages expert report deadline. Accordingly, please provide a response today, and offer a Rule 7 meet and confer time to occur no later than COB tomorrow (Friday).

Thank you.

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**From:** Josh Budwin

**Sent:** Wednesday, June 08, 2011 12:01 PM

**To:** 'Jennifer Doan'

**Cc:** Josh Thane; Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; apple@emafirm.com1; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; allengardner@potterminton.com; mikejones@potterminton.com; Mehta, Sonal

**Subject:** RE: Eolas: IV and IIF discovery requests

Jennifer -

Please advise. We've been looking for this information for sometime now. We need to have the meet and confer this week. We are generally available to meet and confer this week, so please suggest a date/time without further delay.

Thank you.

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**From:** Jennifer Doan [mailto:jdoan@haltomdoan.com]

**Sent:** Tuesday, June 07, 2011 5:04 PM

**To:** Josh Budwin

**Cc:** Josh Budwin; Josh Thane; Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; apple@emafirm.com1; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; allengardner@potterminton.com; mikejones@potterminton.com; Mehta, Sonal

**Subject:** Re: Eolas: IV and IIF discovery requests

Josh.

My apologies but I'm traveling today and have been tied up on another matter. Let me get with our co-defendants and we'll get you a time to talk.

Jennifer

Sent from my iPhone

6/20/2011

On Jun 7, 2011, at 4:08 PM, "Josh Budwin" <[jbudwin@McKoolSmith.com](mailto:jbudwin@McKoolSmith.com)> wrote:

Hi Josh -

Please advise. This issue cannot drag our any longer.

Thanks.

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**From:** Josh Budwin  
**Sent:** Monday, June 06, 2011 4:57 PM  
**To:** 'Josh Thane'  
**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; [apple@emafirm.com1](mailto:apple@emafirm.com1); [apple-eolas@sidley.com](mailto:apple-eolas@sidley.com); R&G Group Google; F&R Group Adobe; Jennifer Doan; [allengardner@potterminton.com](mailto:allengardner@potterminton.com); [mikejones@potterminton.com](mailto:mikejones@potterminton.com); Mehta, Sonal  
**Subject:** RE: Eolas: IV and IIF discovery requests

Thank you. As soon as you have alternate times for the meet and confer, please let me know.

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**From:** Josh Thane [<mailto:jthane@haltomdoan.com>]  
**Sent:** Monday, June 06, 2011 4:56 PM  
**To:** Josh Budwin  
**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; [apple@emafirm.com1](mailto:apple@emafirm.com1); [apple-eolas@sidley.com](mailto:apple-eolas@sidley.com); R&G Group Google; F&R Group Adobe; Jennifer Doan; [allengardner@potterminton.com](mailto:allengardner@potterminton.com); [mikejones@potterminton.com](mailto:mikejones@potterminton.com); Mehta, Sonal  
**Subject:** RE: Eolas: IV and IIF discovery requests

Josh,

Thanks for your email. We are trying to coordinate with Apple/Google/Adobe prior to responding so that we can hopefully provide you one response for all defendants as opposed to just Amazon/eBay/Yahoo!. Given the number of defendants this relates to it may take a little while to provide a coordinated response, but we will respond as soon as we can.

Thanks,

Josh

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**From:** Josh Budwin [<mailto:jbudwin@McKoolSmith.com>]  
**Sent:** Monday, June 06, 2011 4:42 PM  
**To:** Josh Thane  
**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; [apple@emafirm.com1](mailto:apple@emafirm.com1); [apple-eolas@sidley.com](mailto:apple-eolas@sidley.com); R&G Group Google; F&R Group Adobe; Jennifer Doan; [allengardner@potterminton.com](mailto:allengardner@potterminton.com); [mikejones@potterminton.com](mailto:mikejones@potterminton.com); Mehta, Sonal  
**Subject:** RE: Eolas: IV and IIF discovery requests

Hi Josh -

Please respond to items (1)-(3) below today, so that we may schedule the call for tomorrow. Without responses we cannot schedule the call which we would like to do without further delay.

Thank you.

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**From:** Josh Budwin  
**Sent:** Monday, June 06, 2011 2:32 PM  
**To:** 'Josh Thane'  
**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; [apple@emafirm.com1](mailto:apple@emafirm.com1); [apple-eolas@sidley.com](mailto:apple-eolas@sidley.com); R&G Group Google; F&R Group Adobe; Jennifer Doan; [allengardner@potterminton.com](mailto:allengardner@potterminton.com); [mikejones@potterminton.com](mailto:mikejones@potterminton.com); Mehta, Sonal  
**Subject:** RE: Eolas: IV and IIF discovery requests

Hi Josh -

(1) Are you coordinating for all defendants including Apple/Google/Adobe or just the Weil defendants (eBay/Yahoo/Amazon)?

(2) Are you planning on a Rule 7 lead/local meet and confer or something informal? If a Rule 7 meet and confer, I will check with our lead counsel.

(3) As requested twice now, please provide a written response explaining your refusal to provide the requested information, in advance of the meet and confer.

Thanks.

**From:** Josh Thane [mailto:jthane@haltomdoan.com]

**Sent:** Monday, June 06, 2011 2:22 PM

**To:** Josh Budwin

**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; [apple@emafirm.com](mailto:apple@emafirm.com); [apple-eolas@sidley.com](mailto:apple-eolas@sidley.com); R&G Group Google; F&R Group Adobe; Jennifer Doan; [allengardner@potterminton.com](mailto:allengardner@potterminton.com); [mikejones@potterminton.com](mailto:mikejones@potterminton.com); Mehta, Sonal

**Subject:** RE: Eolas: IV and IIF discovery requests

Josh,

Sonal asked us to coordinate this issue. We are available for a meet and confer tomorrow morning at 10am CST to discuss this matter with you. Dial-in information is listed below.

Telephone: #800-779-9078

Passcode: 30705

Regards,

Josh

**Josh Thane, J.D.**

HALTOM & DOAN

Crown Executive Center, Suite 100

6500 Summerhill Road

Texarkana, Texas 75503

(903) 255-1009 Direct

(903) 255-1000 Office

(903) 255-0800 Facsimile

[jthane@haltomdoan.com](mailto:jthane@haltomdoan.com)

**From:** Josh Budwin [mailto:jbudwin@McKoolSmith.com]

**Sent:** Monday, June 06, 2011 8:51 AM

**To:** Josh Budwin; Mehta, Sonal

**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; [apple@emafirm.com](mailto:apple@emafirm.com); [apple-eolas@sidley.com](mailto:apple-eolas@sidley.com); R&G Group Google; F&R Group Adobe; Jennifer Doan; Josh Thane; [allengardner@potterminton.com](mailto:allengardner@potterminton.com); [mikejones@potterminton.com](mailto:mikejones@potterminton.com)

**Subject:** RE: Eolas: IV and IIF discovery requests

Hi Sonal (and counsel for other defendants) -

Please let us know whether each of you will produce the requested Intellectual Ventures documents. If not, as requested please state your basis for refusing the production in writing. As these documents relate to the upcoming expert report deadline, any further delay is unacceptable.

Thank you.

**From:** Josh Budwin

**Sent:** Thursday, June 02, 2011 12:43 PM

**To:** Mehta, Sonal

**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; [apple@emafirm.com](mailto:apple@emafirm.com); [apple-eolas@sidley.com](mailto:apple-eolas@sidley.com); R&G Group Google; F&R Group Adobe; Jennifer Doan; [jthane@haltomdoan.com](mailto:jthane@haltomdoan.com); [allengardner@potterminton.com](mailto:allengardner@potterminton.com); [mikejones@potterminton.com](mailto:mikejones@potterminton.com)

**Subject:** RE: Eolas: IV and IIF discovery requests

Hi Sonal (and counsel for other defendants) -

As you are no doubt aware, Eolas is seeking damages from your clients as a result of their infringement of Eolas' patents. The law provides that Eolas may recover "no less than a reasonable royalty" for such infringement. As you are further aware, the damages framework for a reasonable royalty analysis includes the *Georgia Pacific* factors. Comparable licenses are highly relevant under the *Georgia Pacific* factors. Our understanding from the public documentation cited in my letter is that your clients' investment in Intellectual Ventures includes a license or covenant not to sue with respect to the Intellectual Ventures portfolio of patents. Accordingly, information related to which patents Intellectual Ventures owns/controls

and the amount of money your clients paid to obtain a license/convention not to sue with respect to those patents is relevant to the *Georgia Pacific* analysis. Moreover, Rule 26 and the local rules for the EDTX have a broad view of relevance. The information Eolas seeks with respect to your clients investments falls within the scope of relevant information because it informs the *Georgia Pacific* analysis. If you disagree, and assert that such information cannot be relevant, please explain your basis in writing.

With respect to your request for a meet and confer with lead and local, please suggest at least two dates and times either tomorrow (Friday) or Monday. I will see if those times work from our end. That said, before the meet and confer, please provide your written response as to why you contend such information is not discoverable.

Thanks.

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**From:** Mehta, Sonal [[Sonal.Mehta@weil.com](mailto:Sonal.Mehta@weil.com)]

**Sent:** Wednesday, June 01, 2011 9:22 PM

**To:** Josh Budwin

**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; [apple@emafirm.com](mailto:apple@emafirm.com); [apple-eolas@sidley.com](mailto:apple-eolas@sidley.com); R&G Group Google; F&R Group Adobe; Jennifer Doan; [jthane@haltomdoan.com](mailto:jthane@haltomdoan.com); [allengardner@potterminton.com](mailto:allengardner@potterminton.com); [mikejones@potterminton.com](mailto:mikejones@potterminton.com)

**Subject:** RE: Eolas: IV and IIF discovery requests

Hi Josh,

Thanks for your email. Is there anything more specific Eolas is willing to say to allow us to consider your requests? Based on what you folks have said so far, we do not see how the discovery could be relevant to any issue in the case. But if you have a theory of relevance beyond the fact that it is "relevant to damages" in your view and somehow relates to several of the Georgia Pacific factors, which you have not identified, we are of course open to considering it. If not, we will understand that is all that Eolas can or will articulate and request a LR 7 meet and confer conference so that we can raise this issue with Judge Davis. Please let us know when counsel for Eolas is available.

Best,

<image001.jpg>

Sonal N. Mehta

Weil, Gotshal & Manges LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065-1134  
[sonal.mehta@weil.com](mailto:sonal.mehta@weil.com)  
+1 650 802 3118 Direct  
+1 650 802 3100 Fax

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**From:** Josh Budwin [<mailto:jbudwin@McKoolSmith.com>]

**Sent:** Wednesday, May 25, 2011 3:10 PM

**To:** Mehta, Sonal

**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; [apple@emafirm.com](mailto:apple@emafirm.com); [apple-eolas@sidley.com](mailto:apple-eolas@sidley.com); R&G Group Google; F&R Group Adobe; Jennifer Doan; [jthane@haltomdoan.com](mailto:jthane@haltomdoan.com); [allengardner@potterminton.com](mailto:allengardner@potterminton.com); [mikejones@potterminton.com](mailto:mikejones@potterminton.com)

**Subject:** RE: Eolas: IV and IIF discovery requests

Typo corrected below.

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**From:** Josh Budwin

**Sent:** Wednesday, May 25, 2011 4:54 PM

**To:** 'Mehta, Sonal'

**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; [apple@emafirm.com](mailto:apple@emafirm.com); [apple-eolas@sidley.com](mailto:apple-eolas@sidley.com); R&G Group Google; F&R Group Adobe; Jennifer Doan; Joshua Thane; [allengardner@potterminton.com](mailto:allengardner@potterminton.com); [mikejones@potterminton.com](mailto:mikejones@potterminton.com)

**Subject:** RE: Eolas: IV and IIF discovery requests

Hi Sonal -

In addition to the statement you quote below, the requested discovery is relevant to damages issues, including, but not limited to several of the Georgia Pacific factors.



Please let us know if you will provide the requested discovery, and, if not, on what basis.  
Thank you.

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**From:** Mehta, Sonal [mailto:Sonal.Mehta@weil.com]

**Sent:** Tuesday, May 24, 2011 2:27 PM

**To:** Josh Budwin

**Cc:** Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; [apple@emafirm.com1](mailto:apple@emafirm.com1); [apple-eolas@sidley.com](mailto:apple-eolas@sidley.com); R&G Group Google; F&R Group Adobe; Jennifer Doan; Joshua Thane; [allengardner@potterminton.com](mailto:allengardner@potterminton.com); [mikejones@potterminton.com](mailto:mikejones@potterminton.com)

**Subject:** Eolas: IV and IIF discovery requests

Josh,

We are in receipt of Eolas's requests last Friday for documents and Rule 30(b)(6) deposition testimony relating to Intellectual Ventures and Invention Investment Fund. Your letter notes that the "the information is relevant to how our clients value patents and patent litigations, which may relate to the claims or defenses made by the parties in this action." We would appreciate it if you could let us know Eolas's position on whether there is anything more particular you can say about your theory of relevance to this discovery beyond that general statement so we can consider your position in responding to your Intellectual Ventures and Invention Investment Fund discovery requests.

Best,

<image001.jpg>

Sonal N. Mehta

Weil, Gotshal & Manges LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065-1134  
[sonal.mehta@weil.com](mailto:sonal.mehta@weil.com)  
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