

EXHIBIT H

From: Josh Budwin
Sent: Monday, June 06, 2011 8:51 AM
To: Josh Budwin; Mehta, Sonal
Cc: Eolas; Yahoo-Eolas; Amazon-Eolas; EBay-Eolas; apple@emafirm.com1; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; Jennifer Doan; jthane@haltomdoan.com; allengardner@potterminton.com; 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.com1; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; Jennifer Doan; jthane@haltomdoan.com; allengardner@potterminton.com; 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/covenant 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.

From: Mehta, Sonal [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.com1; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; Jennifer Doan; jthane@haltomdoan.com; allengardner@potterminton.com; 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,



Sonal N. Mehta

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

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; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; Jennifer Doan; jthane@haltomdoan.com; allengardner@potterminton.com; mikejones@potterminton.com
Subject: RE: Eolas: IV and IIF discovery requests

Typo corrected below.

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; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; Jennifer Doan; Joshua Thane; allengardner@potterminton.com; 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.

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.com; apple-eolas@sidley.com; R&G Group Google; F&R Group Adobe; Jennifer Doan; Joshua Thane; allengardner@potterminton.com; 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,

✕ cid:image00

Sonal N. Mehta

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

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email (postmaster@weil.com), and destroy the original message. Thank you.

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email (postmaster@weil.com), and destroy the original message. Thank you.