

EXHIBIT 5

From: Christopher J. Mierzejewski
Sent: Monday, June 27, 2011 1:46 PM
To: Hermes, Rebecca R.; Stroy, Brandon
Cc: Ropes Google Group; Eolas
Subject: Eolas v. Adobe - Current Discovery Summary from Google & YouTube Counsel,

Here is the current list of topics on discovery from Google that we have recently discussed, as well as my understanding of their current status. Please advise if your understanding of the status is different or what additional issues you are tracking.

(1) Outstanding 30(b)(1) depositions: Google & YouTube's Initial Disclosure list + few others.

Current Status: Need deposition dates for Pisano and Webber when they are available. Half-days will be sufficient. Holding on Newlin deposition till just after initial expert reports on infringement and invalidity are served.

For folks from Initial Disclosures list: Eolas and Google and YouTube are still making decisions about any who do not need deposed, based primarily on who will actually be used at trial.

(2) Outstanding 30(b)(6) depositions: served March 15 and 23.

Current Status: Two depositions taken over various topics. Several topics remaining. Kaustuv could not answer questions about some of the topics, so those topics still need addressed. There were some other questions asked of Stern and/or Kaustuv that could not be answered during the deposition but would be provided later (such as the royalty payments under various licenses). Agreement that Eolas's expert report on damages not due till 2 weeks after last of depositions taken on a certain subset of topics (joint motion will be filed if required based on timing of the extension already provided by Court related to the June 29th hearing). All topics need covered, though, and supplementation will address topics covered after initial expert report is filed.

(3) Production of full disaggregation spreadsheet for 2009-present mentioned in 30b6 deposition.

Current Status: This document was mentioned in Kaustuv's deposition, and appears to be the best document for preparing revenue numbers for various Accused Products. Eolas has requested this document and is waiting production.

(4) Oracle v. Google case, Damages Expert Reports (responses, replies, sur-) and Daubert briefing

Current Status: Google is gathering these documents. Google wants a 3-way conference call including Oracle counsel to make sure there is no Confidentiality issue from Oracle on producing the documents.

(5) IV/IIF documents

Current Status: Google has provided initial IV/IIF documents. Additional documents were requested on June 17th. Per Meet and Confer, Google will look for these documents. Google may provide a subset of these documents Google believes most relevant, and Eolas will review whether that will be sufficient or if more are needed.

(6) Google Music Release

Current Status: Eolas has provided Google with PICs on the product in preparation for supplementation. Awaiting Google's response whether the motion for supplementation will be opposed or unopposed.

(7) Production of Google documents made public by the Massachusetts State Court in the Skyhook case.

Current Status: Awaiting production of documents from Skyhook case.

(8) Contracts between Google and others concerning revenue sharing

Current Status: Unknown. Has Google finished production on this issue?

(9) Dashboard information

Current Status: Google has produced what it believes is sufficient dashboard information. Eolas is still

organizing the data, but believes certain data is missing. Google acknowledges that certain data will be missing due to what Google tracks and can easily obtain. Once data is organized, need to reconcile the data that Eolas believes is missing and that Google believes is not easily obtainable.

Sincerely,
Christopher J. Mierzejewski

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