EXHIBIT A

Jen Ghaussy

From: David Perlson
Sent: Tuesday, January 31, 2012 9:23 AM
To: Brothers, Kenneth
Cc: zz-IPEngine; Noona, Stephen E.; QE-IP Engine; Margaret P. Kammerud
Subject: RE: I/P Engine v. AOL, et al.

Ken, since it seems to be your central concern, if there are witnesses Plaintiff needs beyond those in the Rule 26(a) disclosures, please let us know. We should integrate that into the discussion, as perhaps it could eliminate or at least narrow any dispute we may have.

Additionally, all this is somewhat difficult to address without a specific proposal. Please send us the draft joint motion you would propose filing so that we may review and comment as needed.

Thanks

-----Original Message-----
From: Brothers, Kenneth [mailto:BrothersK@dicksteinshapiro.com]
Sent: Tuesday, January 31, 2012 7:32 AM
To: David Perlson
Cc: zz-IPEngine; Noona, Stephen E.; QE-IP Engine; Margaret P. Kammerud
Subject: RE: I/P Engine v. AOL, et al.

The fact that down the road defendants say they would not object to a modification of the order if they all agree that certain conditions are met. I cannot eliminate the possibility that Plaintiff may seek a deposition of a witness not on the 26(a) disclosures, and that is an explicit basis in your proposal for defendants objecting if Plaintiff notices an 11th deposition. I don't want to risk a specious defense objection down the line that threatens the entire discovery plan. The time do this is now not later.

_____
From: David Perlson [davidperlson@quinnemanuel.com]
Sent: Tuesday, January 31, 2012 10:16 AM
To: Brothers, Kenneth
Cc: zz-IPEngine; Noona, Stephen E.; QE-IP Engine; Margaret P. Kammerud
Subject: Re: I/P Engine v. AOL, et al.

Ken, What discretion are you referring to that you seek to remove from our proposal?

On Jan 30, 2012, at 7:33 PM, "Brothers, Kenneth" <BrothersK@dicksteinshapiro.com> wrote:

> We agree now, now later, to the numbers We take the issue out of defendants' discretion at the latter part of discovery. We request the court amend the order up front instead of waiting until the end. Local counsel advise this should be raised up front. If there is no difference to defendants, then we will prepare either a joint or an unopposed motion to this effect. Please advise re defendants' preference.
> _____
> From: David Perlson [davidperlson@quinnemanuel.com]
> Sent: Monday, January 30, 2012 6:44 PM
> To: Brothers, Kenneth
> Cc: zz-IPEngine; 'Noona, Stephen E.'; QE-IP Engine; Margaret P. Kammerud
> Subject: RE: I/P Engine v. AOL, et al.
>

> Ken, can you please explain the difference between what you have proposed and what we have represented to you?
>
> David
>
> From: Brothers, Kenneth [mailto:BrothersK@dicksteinshapiro.com]
> Sent: Friday, January 27, 2012 1:59 PM
> To: David Perlson
> Cc: zz-IPEngine; 'Noona, Stephen E.'; QE-IP Engine; Margaret P. Kammerud&
> Subject: RE: I/P Engine v. AOL, et al.
>
> David:
>
> Thank you for this clarification. We believe that a motion seeking to modify the federal rules is necessary. Hopefully, we can agree on a joint motion. Please advise whether defendants will agree to the following; if not we will file a motion on just the first three points:
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> • one 30(b)(6) deposition on liability issues for each defendant,
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> • one 30(b)(6) deposition on damages issues for each defendant, and
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> • 30(b)(1) depositions equal to the number of individuals that each defendant disclosed in its Rule 26(a)(1) disclosures as individuals likely to have discoverable information .
>
> • 14 hours of deposition time of each of the inventors, which would include both 30(b)(6) and 30(b)(1) deposition time.
>
> _____
>
> From: David Perlson [mailto:davidperlson@quinnemanuel.com]
> Sent: Friday, January 27, 2012 3:57 PM
> To: David Perlson; Brothers, Kenneth; Margaret P. Kammerud
> Cc: zz-IPEngine; 'Noona, Stephen E.'; QE-IP Engine
> Subject: RE: I/P Engine v. AOL, et al.
> Ken, this is the email I was referring to today when I suggested that there should be no need for Plaintiff to file any motion on the deposition point.
>
> From: David Perlson
> Sent: Monday, December 19, 2011 4:02 PM
> To: David Perlson; Brothers, Kenneth; Margaret P. Kammerud
> Cc: zz-IPEngine; 'Noona, Stephen E.'; QE-IP Engine
> Subject: RE: I/P Engine v. AOL, et al.
>
> Ken, based on our prior communications, it seems unlikely that we would be able to reach agreement on any firm limits apart of the default in the Federal Rules. However, in order to demonstrate that Defendants intend to proceed in a good faith and reasonable manner regarding depositions, Defendants can represent that they would not object, on the basis of it being over the 10 deposition limit, should Plaintiff seek one Rule 30(b)(6) deposition of reasonable scope (e.g. 7 hrs) for each Defendant and to depose the witnesses currently on each Defendants initial disclosures (may of which would likely be Rule 30(b)(6) designees). However, Defendants reserve their right to raise the 10 deposition limit in the federal rules as to these witnesses and others, should Plaintiff seek to depose additional witnesses (i.e. if Plaintiff seeks 5 individual depositions of IAC witnesses not in the initial disclosures).

Additionally, Plaintiff would agree to 14 hours of deposition testimony of each inventor in their personal capacity.
> Please let us know if this is acceptable to Plaintiff.
> David
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>
> From: David Perlson
> Sent: Thursday, December 15, 2011 4:16 PM
> To: Brothers, Kenneth; Margaret P. Kammerud
> Cc: zz-IPEngine; 'Noona, Stephen E.'; QE-IP Engine
> Subject: RE: I/P Engine v. AOL, et al.
>
> Ken, I think we are close.
>
> Please see redlines attached which should hopefully be self explanatory. If not, we can discuss on our call tomorrow.
>
> David
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> From: Brothers, Kenneth [mailto:BrothersK@dicksteinshapiro.com]
> Sent: Thursday, December 15, 2011 10:24 AM
> To: Margaret P. Kammerud
> Cc: zz-IPEngine; 'Noona, Stephen E.'; QE-IP Engine
> Subject: RE: I/P Engine v. AOL, et al.
>
> Meg:
>
> Per our meet and confer yesterday, enclosed are redline markups of the protective order and discovery agreements. I accepted your edits first. I have highlighted the areas where we have competing proposals. I also have included a couple of last-ditch compromise proposals that will be withdrawn if not accepted during our meet and confer scheduled for tomorrow afternoon.
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> Ken
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> Confidentiality Statement
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> This e-mail message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product, or other privileges. If you are not the intended recipient or person responsible for delivering this confidential communication to the intended recipient, you have received this communication in error, and any review, use, dissemination, forwarding printing, copying, or other distribution of this e-mail message and any attached files is strictly prohibited. Dickstein Shapiro reserves the right to monitor any communication that is created, received, or sent on its network. If you have received this confidential communication in error, please notify the sender immediately by reply e-mail message and permanently delete the original message.
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> To reply to our email administrator directly, send an email to postmaster@dicksteinshapiro.com<mailto:postmaster@dicksteinshapiro.com>
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> Dickstein Shapiro LLP
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> www.dicksteinshapiro.com<http://www.dicksteinshapiro.com/>
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> From: Margaret P. Kammerud [mailto:megkammerud@quinnemanuel.com]
> Sent: Tuesday, December 13, 2011 5:22 PM
> To: Brothers, Kenneth
> Cc: zz-IPEngine; 'Noona, Stephen E.'; QE-IP Engine
> Subject: RE: I/P Engine v. AOL, et al.
> Ken,
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> When can we expect Plaintiff’s feedback on the latest drafts of the protective order and discovery agreements?
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> Thanks,
> Meg
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> From: Margaret P. Kammerud
> Sent: Wednesday, December 07, 2011 12:53 PM
> To: 'Brothers, Kenneth'
> Cc: zz-IPEngine; 'Noona, Stephen E.'; QE-IP Engine
> Subject: I/P Engine v. AOL, et al.
>
> Ken,
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> Attached are the most recent drafts of the protective order, discovery plan, and document production agreement. Our changes are redlined and highlighted in yellow. Plaintiff’s last edits also remain redlined in the document, but are not highlighted except for the two sections in the PO that we may have to raise with the Court.
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> Our changes are explained below.
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> Protective Order
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> On page 3, we removed the provision allowing confidential information to be shared with Plaintiff’s Chief Operations Officer. It is unfounded for a company leader who engages in competitive business decisions to have access to highly sensitive, confidential business information produced in a litigation.
>
> On page 5, we put back in the provision granting the producing party the discretion to select the location at which source code is produced. The protective order ensures that the parties will cooperate in good faith in determining a location for source code production, but in the end, each party must have the ability to best protect its source code.
>
> On page 10, we fixed a minor nit concerning the number of experts or consultants who may access source code. We agree with your proposal to allow four outside experts or consultants access.
>
> On page 15, we removed the language stating that limits on patent prosecution do not apply to reexaminations. This does not add anything to the agreement due to the fact that reexaminations already are not included in the prosecution limits.
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> On pages 16 and 17 we adjusted the limitations on objecting to experts in order to clarify the reasonableness requirements.
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> On page 18 you added the phrase “or otherwise provided by the Federal Rules of Civil Procedure or Federal Rules of Evidence.” Could you please explain why you believe this is necessary?
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> Discovery Plan
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> On page 6 we have added the phrase “endeavor in good faith to” in regards to providing an initial privilege log on or before January 30, 2012. Although we do not foresee any delay in the preparation and service of the initial privilege logs, this allows the parties to deal with any unforeseen delays that arise without inconveniencing the Court.
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> Document Production Agreement
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> On pages 7 and 8 we adjusted the limitations on custodians. Our proposal allows the receiving party to seek production from five custodians from each producing party with the option of seeking production from another three custodians in the event the requesting party believes in good faith that such additional custodians are necessary. The receiving party must go to the court to seek discovery from more than eight custodians per producing party.
>
> The cost shifting provision will apply if the receiving party seeks production from more than ten custodians from any one producing party. This change makes the cost-shifting provision party-specific. It also ensures that no party will harass another party of unnecessarily seek excessive custodial information.
>
> On page 9, we reverted to the language previously included in regarding to PDAs, voicemails and instant messages. We believe that the language you had proposed was both confusing and overbroad.
>
> Best,
> Meg
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>
> Margaret P. Kammerud
> Quinn Emanuel Urquhart & Sullivan, LLP
>
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