EXHIBIT K

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

Performance Pricing, Inc. Plaintiff, v. Google, Inc. et al., Defendants.	2:07-cv-432 (LED) **REVISED PRIVILEGE LOG CORRESPONDING TO: 1) SUBPOENA COMMANDING NON-PARTY NEAL M. COHEN TO PRODUCE DOCUMENTS; AND 2) SUBPOENA COMMANDING NON-PARTY VISTA IP LAW GROUP LLP TO PRODUCE DOCUMENTS**

The Revised Privilege Log attached hereto as Exhibit A is being produced in connection with: 1) **RESPONSE TO SUBPOENA COMMANDING NON-PARTY NEAL M. COHEN TO PRODUCE DOCUMENTS;** and 2) **RESPONSE TO SUBPOENA COMMANDING NON-PARTY VISTA IP LAW GROUP LLP TO PRODUCE DOCUMENTS.** All documents identified in said Privilege Log are being withheld on the bases identified, and are not being produced.

Abbreviations used in the Privilege Log:

"NMC" means Neal M. Cohen;

"WL" means Wayne Lin;

"VLS" means Valerie L. Sarigumba, who was at all relevant times an associate attorney at ~~Vista IP Law~~ Group;

"JLL" means Jocelyn L. Lee, who was at all relevant times a senior paralegal at Vista IP Law Group;

"HO" means Hidehiko Okada, who was at all relevant times an attorney at the law firm, Okada Patent & Trademark Office;

"SS" means Samuel B. Stone, who was at all relevant times a partner at Lyon & Lyon LLP;

"JT" means Jeff Tekanic, who was at all relevant times an attorney at the law firm, Okada Patent & Trademark Office;

"PJE" means Patricia J. English, who was at all relevant times an employee at Cohen, Sakaguchi & English LLP;

"YPY" means Yeo-Pyo Yoon, who was at all relevant times an attorney at Honesty & Patent;

EXHIBIT K
PAGE 122

"A/C" means a claim of Attorney/Client Privilege;

"W/P" means a claim of Work Product;

"TPM" means a claim of Trial Preparation Material.

EXHIBIT K
PAGE 128

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
1-1	8/2/2001	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-2	8/13/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-3	3/29/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-4	1/12/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-5	2/20/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-6	2/27/99	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-7	1/3/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-8	10/1/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT 16
PAGE 125

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
1-9	12/13/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-10	11/15/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-11	4/2/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-12	7/28/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-13	5/10/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-14	10/14/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-15	8/2/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-16	11/30/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT K
PAGE 180

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
1-17	10/27/99	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-18	6/1/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-19	4/18/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-20	10/16/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-21	3/6/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-22	10/9/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-23	7/5/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-24	2/18/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT 4
PAGE 18

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
1-25	8/13/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-26	4/17/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-27	7/31/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
2-5	8/2/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C, W/P
2-6	8/13/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C, W/P
2-11	3/17/07	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C, W/P
3-1	5/7/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-2	9/10/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT K
PAGE 182

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
3-3	9/10/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-4	8/21/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-5		NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-6	8/21/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-7	5/2/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-8	4/30/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-9	4/23/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-10	4/6/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT K
PAGE 183

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
3-11	4/6/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-12	4/6/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-13	3/20/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-14	1/29/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-15	11/30/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-16	11/13/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-17	11/6/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-18	11/6/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT K
PAGE 14 of 15

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
3-19	10/16/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-20	9/28/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-21	9/12/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-22	6/5/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-23	6/5/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-24	5/30/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-25	1/26/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-26	4/24/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT K
PAGE 182

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
3-27	3/23/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-28	3/9/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-29	2/9/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-31	1/26/00	NMC	WL	Letter concerning foreign patent rights for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-33	1/26/00	NMC	WL	Letter concerning foreign patent rights for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-34	1/17/00	NMC	WL	Letter concerning foreign patent rights for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-35	12/6/99	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-36	11/29/99	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT K
PAGE 186

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
4-1	10/16/01	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-2	8/14/01	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-3	4/5/01	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-4	1/19/01	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-5	6/26/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-6	6/1/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-7	2/15/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-8	12/21/99	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT 1C
PAGE 182

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
4-9	12/13/99	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
5-1	4/17/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
5-2	8/13/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
5-3	8/28/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
5-4	6/5/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
6-1	7/9/01	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
6-2	3/2/01	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
6-3	3/2/01	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications	A/C

EXHIBIT 1C
PAGE 188

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				between client and attorney.	
6-4	7/12/00	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
6-5	4/11/00	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
6-6	4/11/00	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
7-1		NMC	HO	Document related to Japanese patent application.	A/C
7-2		NMC	HO	Document related to Japanese patent application.	A/C
7-3		NMC	HO	Document related to Japanese patent application.	A/C
7-4		NMC	HO	Document related to Japanese patent application.	A/C
7-5		NMC	HO	Document related to Japanese patent application.	A/C
7-6		NMC	HO	Document related to Japanese patent application.	A/C
7-7	4/17/00	NMC	HO	Letter related to Japanese patent application.	A/C
8-1	1/2/02	NMC	WL	Letter concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
8-2	4/17/02	NMC	WL	Letter concerning Korean patent application	A/C

EXHIBIT 1C
PAGE 18 OF 22

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				for the purpose of legal advice and including confidential communications between client and attorney.	
8-3	4/17/02	NMC	WL	Letter concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
8-4		NMC	WL	Document concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
8-5	4/17/02	NMC	WL	Letter concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
8-6	4/25/02	NMC	WL	Letter concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
9-1		NMC	YPY	Document related to Korean patent application.	A/C
9-2	12/14/01	NMC	YPY	Document related to Korean patent application.	A/C
10-1	3/21/00	NMC	WL	Document concerning legal advice and including confidential communications between client and attorney.	A/C
10-2	3/21/00	NMC	WL	Document concerning legal advice and including confidential communications between client and attorney.	A/C
10-3	12/13/99	NMC	WL	Document concerning legal research for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT K
PAGE 170

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
10-4	11/10/99	NMC	WL	Document concerning licensing for the purpose of legal advice and including confidential communications between client and attorney.	A/C
10-5	9/28/99	NMC	WL	Document concerning licensing for the purpose of legal advice and including confidential communications between client and attorney.	A/C
10-6	9/26/99	NMC	WL	Document concerning assignment for the purpose of legal advice and including confidential communications between client and attorney.	A/C
10-7	9/24/99	NMC	WL	Document concerning licensing for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-1	3/17/07	NMC	WL	Document concerning legal advice and including confidential communications between client and attorney.	A/C
11-3	7/5/00	NMC	WL	Document concerning legal invoices including confidential communications between client and attorney.	A/C
11-4	7/1/00	NMC	WL	Document concerning legal invoices including confidential communications between client and attorney.	A/C
11-5	5/4/00	NMC	WL	Document concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-6	3/13/00	NMC	WL	Document concerning legal advice and including confidential communications	A/C

EXHIBIT JC
PAGE 191

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				between client and attorney.	
11-7	3/13/00	NMC	WL	Document concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-8	2/16/00	NMC	WL	Document concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-9	2/10/00	NMC	Trademark attorney in Taiwan	Document related to Taiwanese patent application.	A/C
11-10	12/31/99	NMC	WL	Document concerning legal invoices including confidential communications between client and attorney.	A/C
11-11	12/14/99	NMC	WL	Letter concerning research for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-12	11/10/99	NMC	WL	Letter concerning licensing for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-13	9/27/99	NMC	WL	Document concerning representation for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-14	9/28/99	NMC	WL	Letter concerning assignments for the purpose of legal advice and including confidential communications between client and attorney.	A/C
12	6/14/99	SS	WL, NMC	Document concerning legal advice and including confidential communications	A/C, W/P

EXHIBIT JC
PAGE 192

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				between client and attorney.	
13	06/10/1999 - 10/04/2002	WL, NMC, SS	WL, NMC, SS	Document concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney. Document related to litigation.	A/C, W/P
14	06/14/1999	SS	NMC, WL	Document concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney. Document related to litigation.	A/C, W/P
15	06/28/1999	WL	NMC	Document concerning legal advice and including confidential communications between client and attorney. Document related to litigation.	A/C, W/P
16	11/10/1999	NMC	WL	Document concerning legal advice and including confidential communications between client and attorney. Document related to litigation.	A/C, W/P
17-1	5/7/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-2	9/19/01	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-3	8/21/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-4	4/30/01	NMC	WL	Letter concerning patent prosecution for the	A/C

EXHIBIT JC
PAGE 193

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				purpose of legal advice and including confidential communications between client and attorney.	
17-5	4/6/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-6	3/20/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-7	9/28/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-8-9	6/5/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-10	4/24/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-11-12	3/13/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-13-15	2/16/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-16-	1/17/00	NMC	WL	Letter concerning patent prosecution for the	A/C, W/P

EXHIBIT K
PAGE 19

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
19				purpose of legal advice and including confidential communications between client and attorney.	
17-20	11/29/99	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-1	9/10/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-2	4/23/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-3	4/6/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-4-5	11/6/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-6-7	3/13/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-8-11	2/16/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-12-	1/26/00	NMC	WL	Letter concerning patent prosecution for the	A/C

EXHIBIT K
PAGE 15

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
14				purpose of legal advice and including confidential communications between client and attorney.	
18-15-17	12/6/99	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
19	12/13/1999 - 01/17/2002	NMC	WL	Document concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
22	12/14/1999	NMC	WL	Letter concerning legal research for the purpose of legal advice and including confidential communications between client and attorney. Document related to litigation.	A/C, W/P
23-1	9/10/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-2	4/23/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-3	4/6/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-4-5	11/6/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and	A/C

EXHIBIT JC
PAGE 196

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				attorney.	
23-6-7	3/13/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-8	3/9/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-9-11	2/16/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-12-14	1/26/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-1	1/29/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-2	11/30/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-3-4	6/5/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-5	3/23/00	NMC	WL	Letter concerning patent prosecution for the	A/C

EXHIBIT K
PAGE 197

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				purpose of legal advice and including confidential communications between client and attorney.	
24-6-7	3/13/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-8-10	2/16/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-11-13	2/9/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-14-15	2/5/00	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-16	2/5/00	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
25-1	9/26/02	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
25-2	7/9/01	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
25-3	3/2/01	NMC	WL	Letter concerning Japanese patent	A/C

EXHIBIT K
PAGE 198

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				application for the purpose of legal advice and including confidential communications between client and attorney.	
25-4	7/12/00	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
25-5	4/11/00	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
25-6-7	3/13/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
25-8	10/8/02	NMC	JT, WL	Email concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
26-1	9/27/02	NMC	JT, WL	Email concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
26-2-3	9/26/02	NMC	JT, WL	Email concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
26-4	7/2/01	HO	NMC	Letter concerning Japanese patent application.	A/C
26-5	3/2/01	JT	NMC	Email concerning Japanese patent application.	A/C
26-6-7	2/28/01	NMC	HO	Document concerning Japanese patent	A/C

EXHIBIT K
PAGE 189

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				application.	
26-8-9	7/12/00	NMC	HO	Document concerning Japanese patent application.	A/C
26-10-11	7/4/00	HO	NMC	Document concerning Japanese patent application.	A/C
26-12-14	7/5/00	HO	NMC	Document concerning Japanese patent application.	A/C
26-15-16	6/22/00	HO	NMC	Letter concerning Japanese patent application.	A/C
26-17-18	6/21/00	NMC	HO	Document concerning Japanese patent application.	A/C
26-19	4/21/00	NMC	HO	Letter concerning Japanese patent application.	A/C
26-20	4/21/00	HO	NMC	Document concerning Japanese patent application.	A/C
26-21	4/21/00	HO	NMC	Letter concerning Japanese patent application.	A/C
26-22	4/17/00	NMC	HO	Letter concerning Japanese patent application.	A/C
26-23-24	4/11/00	NMC	HO	Letter concerning Japanese patent application.	A/C
26-25	4/7/00	HO	NMC	Letter concerning Japanese patent application.	A/C
26-26	4/11/00	HO	NMC	Letter concerning Japanese patent application.	A/C
26-27	4/11/00	HO	NMC	Letter concerning Japanese patent application.	A/C
26-28-29	4/7/00	NMC	HO	Letter concerning Japanese patent application.	A/C
26-30	4/7/00	HO	NMC	Letter concerning Japanese patent application.	A/C
26-31-	4/5/00	NMC	HO	Letter concerning Japanese patent	A/C

EXHIBIT K
PAGE 200

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
33				application.	
27-1	9/26/02	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-2	8/21/01	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-3-4	11/14/01	WL	NMC	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-5	5/2/01	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-6	11/13/00	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-7	10/16/00	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-8	9/12/00	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-9	5/30/00	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT K
PAGE 201

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
27-10	5/16/00	WL	NMC	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-1	10/4/02	NMC	WL	Email concerning trademark and patent applications for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-2	9/30/02	NMC	WL	Email concerning trademark and patent applications for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-3	9/28/02	NMC	WL	Email concerning trademark and patent applications for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-4	4/17/02	NMC	WL	Letter concerning patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-5	8/13/01	NMC	WL	Letter concerning patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-6	8/28/00	NMC	WL	Letter concerning patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-7	6/5/00	NMC	WL	Email concerning patent application for the purpose of legal advice and including	A/C

EXHIBIT K
PAGE 202

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				confidential communications between client and attorney.	
28-8	5/31/00	NMC	WL	Document concerning patent application including confidential communications between client and attorney.	A/C
29-1	9/13/00	NMC	WL	Document concerning legal advice and including confidential communications between client and attorney.	A/C
29-2	9/13/00	NMC	WL	Document concerning legal advice and including confidential communications between client and attorney.	A/C
30-1	10/13/04	Honesty & Patent	PJE	Email concerning Korean patent application.	A/C
30-2	10/11/04	Honesty & Patent	PJE	Email concerning Korean patent application.	A/C
30-3	10/13/04	PJE	Honesty & Patent	Email concerning Korean patent application.	A/C
30-4	10/6/04	Se-Chang Kang , Korean patent counsel	NMC	Letter concerning Korean patent application.	A/C
30-5	10/19/02	NMC	YPY	Email concerning Korean patent application.	A/C
30-6-7	10/18/02	NMC	YPY, WL	Email concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney. Document related to litigation.	A/C
30-8-9	10/17/02	NMC	YPY, WL	Email concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney. Document related to litigation.	A/C
30-10-11	10/17/02	YPY	NMC	Letter concerning Korean patent application.	A/C
30-12-13	9/26/02	NMC	YPY, WL	Email concerning Korean patent application for the purpose of legal advice and including	A/C

EXHIBIT K
PAGE 23

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				confidential communications between client and attorney. Document related to litigation.	
30-14	7/29/02	YPY	NMC	Letter concerning Korean patent application.	A/C
30-15	7/29/02	YPY	NMC	Letter concerning Korean patent application.	A/C
30-16	4/17/02	YPY	NMC	Letter concerning Korean patent application.	A/C
30-17-19	12/29/01	YPY	NMC	Letter concerning Korean patent application.	A/C
30-20-	12/26/01	Honest & Patent	NMC	Letter concerning Korean patent application.	A/C
30-21	12/25/01	YPY	NMC	Letter concerning Korean patent application.	A/C
30-22-23	12/24/01	NMC	YPY	Document concerning Korean patent application.	A/C
30-24	12/14/01	NMC	YPY	Letter concerning Korean patent application.	A/C
30-25-26	12/14/01	NMC	YPY	Letter concerning Korean patent application.	A/C
30-27-32	12/9/01	NMC	YPY	Email chain concerning Korean patent application.	A/C
30-33-34	11/15/01	YPY	NMC	Letter concerning Korean patent application.	A/C
30-35	11/15/01	YPY	NMC	Email concerning Korean patent application.	A/C
30-36-37	11/15/01	YPY	NMC	Letter concerning Korean patent application.	A/C
30-38	11/14/01	NMC	Honest & Patent	Email concerning Korean patent application.	A/C
30-39-40	11/1/01	Honest & Patent	NMC	Letter concerning Korean patent application.	A/C
31-1	10/4/02	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
31-2	9/30/02	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT K
PAGE 20 of

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
31-3	9/26/02	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
31-4	4/17/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
31-5	8/13/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
31-6	8/28/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
31-7	6/5/02	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
31-8	5/31/01	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
32	10/29/2002	NMC	WL	Email concerning patent prosecution including confidential communications between client and attorney.	A/C
33	12/27/2002	NMC	WL	Email concerning patent prosecution and legal invoices including confidential	A/C

EXHIBIT K
PAGE 295

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				communications between client and attorney.	
34	06/12/2003	NMC	WL	Email concerning patent prosecution including confidential communications between client and attorney.	A/C
35	07/22/2003	WL	NMC	Email concerning legal invoices including confidential communications between client and attorney.	A/C
36	12/02/2004	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
37	12/03/2004	NMC, WL	WL, NMC	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
38	12/03/2004	WL	NMC	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
39	12/03/2004	NMC, WL	WL, NMC	Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
40	12/13/2004	NMC	WL	Email concerning patent prosecution including confidential communications between client and attorney.	A/C
41	09/17/2005-09/20/2005	NMC, WL	WL, NMC	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C

EXHIBIT JL
PAGE 20

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
42	09/17/2005-09/23/2005	NMC, WL	WL, NMC	Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
43	10/06/2005	NMC	WL	Document concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	AC
44	12/20/2005	WL	NMC	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
45	12/22/2005	NMC, WL	WL, NMC	Email chain concerning licensing for the purpose of legal advice and including confidential communications between client and attorney.	A/C, W/P
46	02/02/2006	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
47	02/08/2006	NMC, WL	WL, NMC	Email chain concerning patent prosecution and licensing for the purpose of legal advice and including confidential communications between client and attorney.	A/C
48-1	3/3/07	NMC	WL	Email concerning legal invoices including confidential communications between client and attorney.	A/C
48-2	2/26/07	NMC	WL	Email concerning legal invoices and patent prosecution including confidential communications between client and	A/C

EXHIBIT Y
PAGE 27

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				attorney.	
48-3	2/26/07	NMC	WL	Email concerning legal invoices and patent prosecution including confidential communications between client and attorney.	A/C
49-1	2/26/07	WL	NMC	Email concerning legal invoices and patent prosecution including confidential communications between client and attorney.	A/C
49-2	2/26/07	WL	NMC	Email concerning legal invoices and patent prosecution including confidential communications between client and attorney.	A/C
49-3	2/26/07	WL	NMC	Email concerning legal invoices and patent prosecution including confidential communications between client and attorney.	A/C
50-1	2/27/07	WL	NMC	Email concerning legal invoices and patent prosecution including confidential communications between client and attorney.	A/C, W/P
50-2	2/27/07	WL	NMC	Email concerning legal invoices and patent prosecution including confidential communications between client and attorney.	A/C, W/P
50-3	2/27/07	WL	NMC	Email concerning licensing and patent prosecution including confidential communications between client and attorney.	A/C, W/P
51	02/27/2007	NMC	WL	Email concerning patent prosecution and legal invoices including confidential communications between client and	A/C

EXHIBIT K
PAGE 208

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				attorney.	
52	03/02/2007	WL	NMC	Email concerning patent prosecution and legal invoices including confidential communications between client and attorney.	A/C
53	03/05/2007	WL	NMC	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
54	03/06/2007	WL	NMC	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
55	03/06/2007	NMC	WL	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
56	03/07/2007	WL	NMC	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
57	03/07/2007	NMC	WL	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
58	03/11/2007	NMC	WL, VLS	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
59-1	3/13/07	WL	NMC	Email concerning prior art for the purpose of legal advice and including confidential communications between client and	A/C, W/P

EXHIBIT IC
PAGE 209

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				attorney.	
59-2	3/13/07	WL	NMC	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
60-1	3/13/07	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C, W/P
60-2	3/13/07	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C, W/P
61-1	3/17/07	NMC	WL, VLS	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
61-2	3/17/07	NMC	WL, VLS	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
62	03/17/2007	WL	NMC	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
63	03/17/2007	WL	NMC, VLS	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
64	03/17/2007	NMC	WL	Letter concerning representation including confidential communications between client and attorney.	A/C

EXHIBIT K
PAGE 210

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
65	03/17/2007	NMC	WL	Letter concerning representation including confidential communications between client and attorney.	A/C
66	03/20/2007	WL	NMC, VLS	Email chain concerning representation and patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
67	03/20/2007	NMC	WL	Email chain concerning representation and patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
68	03/21/2007	WL	NMC, VLS	Email chain concerning licensing and patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C, WP
69	03/26/2007	NMC	WL, VLS	Email concerning infringement for the purpose of legal advice and including confidential communications between client and attorney.	A/C, W/P
70	03/26/2007	WL	NMC, VLS	Email concerning infringement for the purpose of legal advice and including confidential communications between client and attorney.	A/C, W/P
71	03/28/2007	WL	NMC, VLS	Email concerning infringement for the purpose of legal advice and including confidential communications between client and attorney.	A/C, W/P
72	03/29/2007	JLL	NMC	Email concerning patent prosecution including confidential communications	A/C

EXHIBIT IC
PAGE 211

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				between client and attorney.	
74	03/30/2007	NMC	WL	Email chain concerning licensing for the purpose of legal advice including confidential communications between client and attorney.	A/C
75	03/30/2007	NMC	WL, VLS	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
76	03/30/2007	WL	NMC, VLS	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
77	03/30/2007	NMC	WL, VLS, JLL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
78	03/30/2007	WL	NMC, VLS, JLL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
79	03/30/2007	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C, W/P
80	03/30/2007	NMC	VLS, JLL	Email concerning patent prosecution including confidential communications between client and attorney.	A/C
82	05/01/2007	WL	NMC	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C, W/P

EXHIBIT K
PAGE 2 of 2

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
83	05/01/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
84	05/03/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
85	05/09/2007	WL	NMC	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
86	05/18/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
87	07/04/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
88	10/02/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
89	10/02/2007	WL	NMC	Email chain concerning patent	A/C

EXHIBIT K
PAGE 23

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				prosecution for the purpose of legal advice including confidential communications between client and attorney.	
90	10/03/2007	WL	NMC	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
91	10/05/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
92	10/05/2007	WL	NMC	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
93	12/17/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
94	06/11/2008	WL	NMC	Email concerning representation and patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
95	06/14/2008	NMC	WL	Email concerning representation and patent prosecution for the purpose of legal advice including confidential	A/C

EXHIBIT JC
PAGE 214

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				communications between client and attorney.	
96	10/26/2008	Christin Cho	NMC	Email concerning discovery related to the litigation.	W/P, TPM
97	10/27/2008	WL	NMC	Email chain concerning representation and patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C, W/P

EXHIBIT K
PAGE 212

EXHIBIT L

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WRITER'S INTERNET ADDRESS
emilyobrien@quinnemanuel.com

May 22, 2009

VIA ELECTRONIC MAIL

Christin Cho
Dovel & Luner, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401

Re: Revised privilege log for Neal M. Cohen and Vista IP Law Group in *Performance Pricing, Inc. v. Google, Inc. et al.*, Case No. 2:07-cv-432 (LED)

Dear Christin,

On Monday, May 18, 2009, we received the fifth version of Mr. Cohen's privilege log in the above referenced matter. The new privilege log still contains overbroad privilege assertions and insufficient document descriptions. After seven months and five different versions of the privilege log, it is unacceptable that the privilege log remains deficient.

First, as in his previous privilege logs, Mr. Cohen continues to assert work product protection over documents relating to patent prosecution or dating back to 1999-2001, during the time that he was prosecuting the '253 Patent. *See, e.g.*, Doc. Nos. 2-5, 2-6, 12, 13, 14, 15, 16. As noted in our previous letters, prosecution-related documents do not warrant work product protection as a general matter. *See, e.g., Info-Hold, Inc. v. Trusonic, Inc.*, No. 06-543, 2008 WL 2949399, at *4 (S.D. Ohio July 30, 2008) ("Generally, work performed by an attorney to prepare and prosecute a patent application does not fall within the parameters of the work-product protection.") (collecting cases). Thus, to the extent that the entries in Mr. Cohen's privilege log represent patent prosecution documents, Mr. Cohen is not entitled to assert work product protection over these documents.

Moreover, as discussed in our April 6, 2009 letter, Mr. Cohen admitted that he was not aware of any specific litigation he had in mind when prosecuting the '253 Patent. Because Mr. Cohen was not anticipating specific litigation when prosecuting the '253 Patent, he may not assert work product protection over patent prosecution documents. *See, e.g., Horn & Hardart Co. v. Pillsbury Co.*, 888 F.2d 8, 12 (2d Cir. 1989) ("The work product doctrine protects an attorney's mental impressions, opinions or legal theories *concerning specific litigation* from disclosure") (emphasis added); *Fox v. California Sierra Financial Servs.*, 120 F.R.D. 520, 525 (N.D. Cal. 1988) ("[I]n order for documents to qualify as attorney work-product, there must be an

EXHIBIT L
PAGE 216

identifiable prospect of litigation (i.e., *specific claims* that have already arisen) at the time the documents were prepared.") (emphasis added); *Peripherals, Inc. v. Western Digital Corp.*, 1993 WL 726815 (N.D. Cal. June 8, 1993) (citing *Hercules Inc. v. Exxon Corp.*, 434 F. Supp. 136 (D. Del. 1977) ("When litigation is a 'mere contingency' at the time the document is prepared, the privilege applies if the prospect of litigation is identifiable because of *specific claims* that have already arisen.") (emphasis added).

Thus, despite your assurances that the revised privilege log would only claim work product protection where appropriate, it appears from our review that Mr. Cohen continues to claim work product immunity for ineligible documents. The privilege log must be revised to correct for all such errors.

Second, many of the document descriptions in the new privilege log remain deficient. For instance, Reference Nos. 10-1, 10-2, 11-1, 11-6, 29-1, and 29-2 — which Mr. Cohen seeks to protect under the attorney-client privilege — are all described as "Document concerning legal advice and including confidential communications between client and attorney." This "description" merely restates the legal standard for attorney-client privilege, and does not give any indication about the contents of the withheld documents. Additionally, a number of the entries the privilege log contain descriptions with insufficient detail to distinguish between documents, or determine whether documents are privileged as claimed by Mr. Cohen. For example, the revised privilege log contains descriptions such as "Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney," "Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney," "Document concerning licensing for the purpose of legal advice and including confidential communications between client and attorney," "Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney," and "Documents concerning representation for the purpose of legal advice and including confidential communications between client and attorney." *See, e,g.*, Reference Nos. 3-19, 3-20, 3-21, 3-22, 3-23, 3-24, 3-25, 3-26, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 10-4, 11-13, 27-1, and 27-2. These descriptions fail to provide any information regarding the specific patents or trademarks being prosecuted, the subject matter of the licensing, the subject matter of the representation, etc. The privilege log must be revised to provide the parties with sufficient information to assess the claims of privilege as required by Federal Rule of Civil Procedure 45(d)(2).

Third, many of the documents that Cohen seeks to protect under the attorney-client privilege do not disclose any apparent "client." For instance, the privilege log lists over two dozen communications between Cohen and Hidehiko Okada, a Japanese attorney. *See, e.g.*, Doc. Nos. 7-1 through 7-7, 26-6 through 26-31. There is no showing that these *inter-attorney* communications included privileged *attorney-client* communications. Thus, Cohen may not assert attorney-client privilege over these documents.

We have already spoken several times regarding deficiencies in Mr. Cohen's privilege log, and you have committed to fixing certain issues in the log. Nonetheless, despite these conferences, the privilege log remains inadequate. We remain willing to meet and confer, but we cannot allow you to continue to delay production of a proper privilege log indefinitely. If we fail to

receive a legally sufficient privilege log within the next seven days, we will file a motion to compel a sufficient privilege log.

Sincerely,

/s/ Emily C. O'Brien

Emily O'Brien

EXHIBIT L
PAGE 218

EXHIBIT M

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

Performance Pricing, Inc. Plaintiff, v. Google, Inc. et al., Defendants.	2:07-cv-432 (LED) **REVISED PRIVILEGE LOG CORRESPONDING TO: 1) SUBPOENA COMMANDING NON-PARTY NEAL M. COHEN TO PRODUCE DOCUMENTS; AND 2) SUBPOENA COMMANDING NON-PARTY VISTA IP LAW GROUP LLP TO PRODUCE DOCUMENTS**

The Revised Privilege Log attached hereto as Exhibit A is being produced in connection with: 1) **RESPONSE TO SUBPOENA COMMANDING NON-PARTY NEAL M. COHEN TO PRODUCE DOCUMENTS;** and 2) **RESPONSE TO SUBPOENA COMMANDING NON-PARTY VISTA IP LAW GROUP LLP TO PRODUCE DOCUMENTS.** All documents identified in said Privilege Log are being withheld on the bases identified, and are not being produced.

Abbreviations used in the Privilege Log:

"NMC" means Neal M. Cohen;

"WL" means Wayne Lin;

"VLS" means Valerie L. Sarigumba, who was at all relevant times an associate attorney at Vista IP Law Group;

"JLL" means Jocelyn L. Lee, who was at all relevant times a senior paralegal at Vista IP Law Group;

"HO" means Hidehiko Okada, who was at all relevant times an attorney at the law firm, Okada Patent & Trademark Office;

"SS" means Samuel B. Stone, who was at all relevant times a partner at Lyon & Lyon LLP;

"JT" means Jeff Tekanic, who was at all relevant times an attorney at the law firm, Okada Patent & Trademark Office;

"PJE" means Patricia J. English, who was at all relevant times an employee at Cohen, Sakaguchi & English LLP;

"YPY" means Yeo-Pyo Yoon, who was at all relevant times an attorney at Honesty & Patent;

EXHIBIT M
PAGE 219

"A/C" means a claim of Attorney/Client Privilege;

"W/P" means a claim of Work Product;

"TPM" means a claim of Trial Preparation Material;

"patent" means US Patent No. 6,978,253;

"litigation" means Performance Pricing, Inc. v. Google, Inc., et al.;

"licensing" means licensing of US Patent No. 6,978,253;

"trademark" means trademark of PricePlay;

"representation" means representation of Wayne Lin by Neal Cohen.

EXHIBIT m
PAGE 220

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
1-1	8/2/2001	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-2	8/13/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-3	3/29/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-4	1/12/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-5	2/20/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-6	2/27/99	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-7	1/3/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-8	10/1/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT 11
PAGE 24

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
1-9	12/13/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-10	11/15/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-11	4/2/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-12	7/28/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-13	5/10/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-14	10/14/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-15	8/2/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-16	11/30/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT M
PAGE 222

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
1-17	10/27/99	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-18	6/1/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-19	4/18/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-20	10/16/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-21	3/6/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-22	10/9/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-23	7/5/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-24	2/18/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT M
PAGE 223

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
1-25	8/13/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-26	4/17/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
1-27	7/31/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
2-5	8/2/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
2-6	8/13/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
2-11	3/17/07	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-1	5/7/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-2	9/10/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT m
PAGE 224

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
3-3	9/10/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-4	8/21/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-5		NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-6	8/21/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-7	5/2/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-8	4/30/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-9	4/23/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-10	4/6/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT M
PAGE 225

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
3-11	4/6/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-12	4/6/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-13	3/20/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-14	1/29/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-15	11/30/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-16	11/13/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-17	11/6/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-18	11/6/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT M
PAGE 224

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
3-19	10/16/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-20	9/28/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-21	9/12/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-22	6/5/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-23	6/5/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-24	5/30/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-25	1/26/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-26	4/24/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT M
PAGE 23

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
3-27	3/23/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-28	3/9/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-29	2/9/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-31	1/26/00	NMC	WL	Letter concerning foreign patent rights for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-33	1/26/00	NMC	WL	Letter concerning foreign patent rights for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-34	1/17/00	NMC	WL	Letter concerning foreign patent rights for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-35	12/6/99	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
3-36	11/29/99	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT 11
PAGE 228

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
4-1	10/16/01	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-2	8/14/01	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-3	4/5/01	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-4	1/19/01	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-5	6/26/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-6	6/1/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-7	2/15/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
4-8	12/21/99	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT 17
PAGE 225

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
4-9	12/13/99	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
5-1	4/17/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
5-2	8/13/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
5-3	8/28/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
5-4	6/5/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
6-1	7/9/01	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
6-2	3/2/01	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
6-3	3/2/01	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications	A/C

EXHIBIT 11
PAGE 23

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				between client and attorney.	
6-4	7/12/00	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
6-5	4/11/00	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
6-6	4/11/00	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
7-1		NMC(on behalf of WL)	HO	Document related to Japanese patent application.	A/C
7-2		NMC(on behalf of WL)	HO	Document related to Japanese patent application.	A/C
7-3		NMC(on behalf of WL)	HO	Document related to Japanese patent application.	A/C
7-4		NMC(on behalf of WL)	HO	Document related to Japanese patent application.	A/C
7-5		NMC(on behalf of WL)	HO	Document related to Japanese patent application.	A/C
7-6		NMC(on behalf of WL)	HO	Document related to Japanese patent application.	A/C
7-7	4/17/00	NMC(on behalf of WL)	HO	Letter related to Japanese patent application.	A/C
8-1	1/2/02	NMC	WL	Letter concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
8-2	4/17/02	NMC	WL	Letter concerning Korean patent application	A/C

EXHIBIT 3
PAGE 23

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				for the purpose of legal advice and including confidential communications between client and attorney.	
8-3	4/17/02	NMC	WL	Letter concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
8-4		NMC	WL	Document concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
8-5	4/17/02	NMC	WL	Letter concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
8-6	4/25/02	NMC	WL	Letter concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
9-1		NMC(on behalf of WL)	YPY	Document related to Korean patent application.	A/C
9-2	12/14/01	NMC(on behalf of WL)	YPY	Document related to Korean patent application.	A/C
10-1	3/21/00	NMC	WL	Drafts of legal documents including confidential communications between client and attorney.	A/C
10-2	3/21/00	NMC	WL	Drafts of legal documents including confidential communications between client and attorney.	A/C
10-3	12/13/99	NMC	WL	Document concerning legal research for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT 3
PAGE 232

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
10-4	11/10/99	NMC	WL	Document concerning licensing for the purpose of legal advice and including confidential communications between client and attorney.	A/C
10-5	9/28/99	NMC	WL	Document concerning licensing for the purpose of legal advice and including confidential communications between client and attorney.	A/C
10-6	9/26/99	NMC	WL	Document concerning assignment for the purpose of legal advice and including confidential communications between client and attorney.	A/C
10-7	9/24/99	NMC	WL	Document concerning licensing for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-1	3/17/07	NMC	WL	Letter concerning publication laws including confidential communications between client and attorney.	A/C
11-3	7/5/00	NMC	WL	Document concerning legal invoices including confidential communications between client and attorney.	A/C
11-4	7/1/00	NMC	WL	Document concerning legal invoices including confidential communications between client and attorney.	A/C
11-5	5/4/00	NMC	WL	Document concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-6	3/13/00	NMC	WL	Letter regarding a previous meeting including confidential communications	A/C

EXHIBIT 11
PAGE 233

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				between client and attorney.	
11-7	3/13/00	NMC	WL	Document concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-8	2/16/00	NMC	WL	Document concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-9	2/10/00	NMC(on behalf of WL)	Taiwanese attorney	Document related to Taiwanese patent application.	A/C
11-10	12/31/99	NMC	WL	Document concerning legal invoices including confidential communications between client and attorney.	A/C
11-11	12/14/99	NMC	WL	Letter concerning research for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-12	11/10/99	NMC	WL	Letter concerning licensing for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-13	9/27/99	NMC	WL	Document concerning representation for the purpose of legal advice and including confidential communications between client and attorney.	A/C
11-14	9/28/99	NMC	WL	Letter concerning assignments for the purpose of legal advice and including confidential communications between client and attorney.	A/C
12	6/14/99	SS	WL, NMC	Document concerning legal advice and including confidential communications	A/C

EXHIBIT N
PAGE 234

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				between client and attorney.	
13	06/10/1999 - 10/04/2002	WL, NMC, SS	WL, NMC, SS	Document concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
14	06/14/1999	SS	NMC, WL	Document concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
15	06/28/1999	WL	NMC	Document concerning legal advice and including confidential communications between client and attorney.	A/C
16	11/10/1999	NMC	WL	Document concerning legal advice and including confidential communications between client and attorney.	A/C
17-1	5/7/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-2	9/19/01	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-3	8/21/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-4	4/30/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-5	4/6/01	NMC	WL	Letter concerning patent prosecution for the	A/C

EXHIBIT M
PAGE 235

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				purpose of legal advice and including confidential communications between client and attorney.	
17-6	3/20/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-7	9/28/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-8-9	6/5/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-10	4/24/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-11-12	3/13/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-13-15	2/16/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-16-19	1/17/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
17-20	11/29/99	NMC	WL	Letter concerning patent prosecution for the	A/C

EXHIBIT 2
PAGE 236

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				purpose of legal advice and including confidential communications between client and attorney.	
18-1	9/10/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-2	4/23/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-3	4/6/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-4-5	11/6/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-6-7	3/13/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-8-11	2/16/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-12-14	1/26/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
18-15-	12/6/99	NMC	WL	Letter concerning patent prosecution for the	A/C

EXHIBIT M
PAGE 232

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
17				purpose of legal advice and including confidential communications between client and attorney.	
19	12/13/1999 - 01/17/2002	NMC	WL	Document concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
22	12/14/1999	NMC	WL	Letter concerning legal research for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-1	9/10/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-2	4/23/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-3	4/6/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-4-5	11/6/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-6-7	3/13/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and	A/C

EXHIBIT 11
PAGE 238

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				attorney.	
23-8	3/9/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-9-11	2/16/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
23-12-14	1/26/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-1	1/29/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-2	11/30/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-3-4	6/5/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-5	3/23/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-6-7	3/13/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including	A/C

EXHIBIT M
PAGE 238

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				confidential communications between client and attorney.	
24-8-10	2/16/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-11-13	2/9/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-14-15	2/5/00	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
24-16	2/5/00	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
25-1	9/26/02	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
25-2	7/9/01	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
25-3	3/2/01	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
25-4	7/12/00	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice	A/C

EXHIBIT 12
PAGE 249

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and including confidential communications between client and attorney.	
25-5	4/11/00	NMC	WL	Letter concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
25-6-7	3/13/00	NMC	WL	Letter concerning foreign patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
25-8	10/8/02	NMC	JT, WL	Email concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
26-1	9/27/02	NMC	JT, WL	Email concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
26-2-3	9/26/02	NMC	JT, WL	Email concerning Japanese patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
26-4	7/2/01	HO	NMC(on behalf of WL)	Letter concerning Japanese patent application.	A/C
26-5	3/2/01	JT	NMC(on behalf of WL)	Email concerning Japanese patent application.	A/C
26-6-7	2/28/01	NMC(on behalf of WL)	HO	Document concerning Japanese patent application.	A/C
26-8-9	7/12/00	NMC(on behalf of WL)	HO	Document concerning Japanese patent application.	A/C
26-10-11	7/4/00	HO	NMC(on behalf of WL)	Document concerning Japanese patent application.	A/C

EXHIBIT M
PAGE 2 of 2

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
26-12-14	7/5/00	HO	NMC(on behalf of WL)	Document concerning Japanese patent application.	A/C
26-15-16	6/22/00	HO	NMC(on behalf of WL)	Letter concerning Japanese patent application.	A/C
26-17-18	6/21/00	NMC(on behalf of WL)	HO	Document concerning Japanese patent application.	A/C
26-19	4/21/00	NMC(on behalf of WL)	HO	Letter concerning Japanese patent application.	A/C
26-20	4/21/00	HO	NMC(on behalf of WL)	Document concerning Japanese patent application.	A/C
26-21	4/21/00	HO	NMC(on behalf of WL)	Letter concerning Japanese patent application.	A/C
26-22	4/17/00	NMC(on behalf of WL)	HO	Letter concerning Japanese patent application.	A/C
26-23-24	4/11/00	NMC(on behalf of WL)	HO	Letter concerning Japanese patent application.	A/C
26-25	4/7/00	HO	NMC(on behalf of WL)	Letter concerning Japanese patent application.	A/C
26-26	4/11/00	HO	NMC(on behalf of WL)	Letter concerning Japanese patent application.	A/C
26-27	4/11/00	HO	NMC(on behalf of WL)	Letter concerning Japanese patent application.	A/C
26-28-29	4/7/00	NMC(on behalf of WL)	HO	Letter concerning Japanese patent application.	A/C
26-30	4/7/00	HO	NMC(on behalf of WL)	Letter concerning Japanese patent application.	A/C
26-31-33	4/5/00	NMC(on behalf of WL)	HO	Letter concerning Japanese patent application.	A/C
27-1	9/26/02	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C

EXHIBIT M
PAGE 242

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
27-2	8/21/01	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-3-4	11/14/01	WL	NMC	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-5	5/2/01	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-6	11/13/00	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-7	10/16/00	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-8	9/12/00	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-9	5/30/00	NMC	WL	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
27-10	5/16/00	WL	NMC	Letter concerning trademark application for the purpose of legal advice and including confidential communications between client and attorney.	A/C

EXHIBIT M
PAGE 8 of 43

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
28-1	10/4/02	NMC	WL	Email concerning trademark and patent applications for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-2	9/30/02	NMC	WL	Email concerning trademark and patent applications for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-3	9/28/02	NMC	WL	Email concerning trademark and patent applications for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-4	4/17/02	NMC	WL	Letter concerning patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-5	8/13/01	NMC	WL	Letter concerning patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-6	8/28/00	NMC	WL	Letter concerning patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-7	6/5/00	NMC	WL	Email concerning patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
28-8	5/31/00	NMC	WL	Document concerning patent application including confidential communications between client and attorney.	A/C

EXHIBIT 11
PAGE 24

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
29-1	9/13/00	NMC	WL	Drafts of legal documents including confidential communications between client and attorney.	A/C
29-2	9/13/00	NMC	WL	Drafts of legal documents including confidential communications between client and attorney.	A/C
30-1	10/13/04	Honesty & Patent	PJE (on behalf of WL)	Email concerning Korean patent application.	A/C
30-2	10/11/04	Honesty & Patent	PJE (on behalf of WL)	Email concerning Korean patent application.	A/C
30-3	10/13/04	PJE (on behalf of WL)	Honesty & Patent	Email concerning Korean patent application.	A/C
30-4	10/6/04	Se-Chang Kang , Korean patent counsel	NMC (on behalf of WL)	Letter concerning Korean patent application.	A/C
30-5	10/19/02	NMC (on behalf of WL)	YPY	Email concerning Korean patent application.	A/C
30-6-7	10/18/02	NMC	YPY, WL	Email concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
30-8-9	10/17/02	NMC	YPY, WL	Email concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
30-10-11	10/17/02	YPY	NMC(on behalf of WL)	Letter concerning Korean patent application.	A/C
30-12-13	9/26/02	NMC	YPY, WL	Email concerning Korean patent application for the purpose of legal advice and including confidential communications between client and attorney.	A/C
30-14	7/29/02	YPY	NMC(on behalf of WL)	Letter concerning Korean patent application.	A/C
30-15	7/29/02	YPY	NMC(on behalf of WL)	Letter concerning Korean patent application.	A/C

EXHIBIT M
PAGE 8 of 5

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
30-16	4/17/02	YPY	NMC(on behalf of WL)	Letter concerning Korean patent application.	A/C
30-17-19	12/29/01	YPY	NMC(on behalf of WL)	Letter concerning Korean patent application.	A/C
30-20-	12/26/01	Honest & Patent	NMC(on behalf of WL)	Letter concerning Korean patent application.	A/C
30-21	12/25/01	YPY	NMC(on behalf of WL)	Letter concerning Korean patent application.	A/C
30-22-23	12/24/01	NMC(on behalf of WL)	YPY	Document concerning Korean patent application.	A/C
30-24	12/14/01	NMC(on behalf of WL)	YPY	Letter concerning Korean patent application.	A/C
30-25-26	12/14/01	NMC(on behalf of WL)	YPY	Letter concerning Korean patent application.	A/C
30-27-32	12/9/01	NMC(on behalf of WL)	YPY	Email chain concerning Korean patent application.	A/C
30-33-34	11/15/01	YPY	NMC(on behalf of WL)	Letter concerning Korean patent application.	A/C
30-35	11/15/01	YPY	NMC(on behalf of WL)	Email concerning Korean patent application.	A/C
30-36-37	11/15/01	YPY	NMC(on behalf of WL)	Letter concerning Korean patent application.	A/C
30-38	11/14/01	NMC	Honest & Patent	Email concerning Korean patent application.	A/C
30-39-40	11/1/01	Honest & Patent	NMC(on behalf of WL)	Letter concerning Korean patent application.	A/C
31-1	10/4/02	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
31-2	9/30/02	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT M
PAGE 2 of 2

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
31-3	9/26/02	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
31-4	4/17/02	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
31-5	8/13/01	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
31-6	8/28/00	NMC	WL	Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
31-7	6/5/02	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
31-8	5/31/01	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
32	10/29/2002	NMC	WL	Email concerning patent prosecution including confidential communications between client and attorney.	A/C
33	12/27/2002	NMC	WL	Email concerning patent prosecution and legal invoices including confidential	A/C

EXHIBIT M
PAGE 2 of 4

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				communications between client and attorney.	
34	06/12/2003	NMC	WL	Email concerning patent prosecution including confidential communications between client and attorney.	A/C
35	07/22/2003	WL	NMC	Email concerning legal invoices including confidential communications between client and attorney.	A/C
36	12/02/2004	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
37	12/03/2004	NMC, WL	WL, NMC	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
38	12/03/2004	WL	NMC	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
39	12/03/2004	NMC, WL	WL, NMC	Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
40	12/13/2004	NMC	WL	Email concerning patent prosecution including confidential communications between client and attorney.	A/C
41	09/17/2005-09/20/2005	NMC, WL	WL, NMC	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C

EXHIBIT W
PAGE 2 of 8

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
42	09/17/2005-09/23/2005	NMC, WL	WL, NMC	Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
43	10/06/2005	NMC	WL	Document concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	AC
44	12/20/2005	WL	NMC	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
45	12/22/2005	NMC, WL	WL, NMC	Email chain concerning licensing for the purpose of legal advice and including confidential communications between client and attorney.	A/C
46	02/02/2006	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
47	02/08/2006	NMC, WL	WL, NMC	Email chain concerning patent prosecution and licensing for the purpose of legal advice and including confidential communications between client and attorney.	A/C
48-1	3/3/07	NMC	WL	Email concerning legal invoices including confidential communications between client and attorney.	A/C
48-2	2/26/07	NMC	WL	Email concerning legal invoices and patent prosecution including confidential communications between client and	A/C

EXHIBIT M
PAGE 2+9

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				attorney.	
48-3	2/26/07	NMC	WL	Email concerning legal invoices and patent prosecution including confidential communications between client and attorney.	A/C
49-1	2/26/07	WL	NMC	Email concerning legal invoices and patent prosecution including confidential communications between client and attorney.	A/C
49-2	2/26/07	WL	NMC	Email concerning legal invoices and patent prosecution including confidential communications between client and attorney.	A/C
49-3	2/26/07	WL	NMC	Email concerning legal invoices and patent prosecution including confidential communications between client and attorney.	A/C
50-1	2/27/07	WL	NMC	Email concerning legal invoices and patent prosecution including confidential communications between client and attorney.	A/C
50-2	2/27/07	WL	NMC	Email concerning legal invoices and patent prosecution including confidential communications between client and attorney.	A/C
50-3	2/27/07	WL	NMC	Email concerning licensing and patent prosecution including confidential communications between client and attorney.	A/C
51	02/27/2007	NMC	WL	Email concerning patent prosecution and legal invoices including confidential communications between client and	A/C

EXHIBIT M
PAGE 2 of 2

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				attorney.	
52	03/02/2007	WL	NMC	Email concerning patent prosecution and legal invoices including confidential communications between client and attorney.	A/C
53	03/05/2007	WL	NMC	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
54	03/06/2007	WL	NMC	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
55	03/06/2007	NMC	WL	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
56	03/07/2007	WL	NMC	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
57	03/07/2007	NMC	WL	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
58	03/11/2007	NMC	WL, VLS	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
59-1	3/13/07	WL	NMC	Email concerning prior art for the purpose of legal advice and including confidential communications between client and	A/C

EXHIBIT M
PAGE 151

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				attorney.	
59-2	3/13/07	WL	NMC	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
60-1	3/13/07	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
60-2	3/13/07	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
61-1	3/17/07	NMC	WL, VLS	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
61-2	3/17/07	NMC	WL, VLS	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
62	03/17/2007	WL	NMC	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
63	03/17/2007	WL	NMC, VLS	Email concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
64	03/17/2007	NMC	WL	Letter concerning representation including confidential communications between client and attorney.	A/C

EXHIBIT 11
PAGE 252

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
65	03/17/2007	NMC	WL	Letter concerning representation including confidential communications between client and attorney.	A/C
66	03/20/2007	WL	NMC, VLS	Email chain concerning representation and patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
67	03/20/2007	NMC	WL	Email chain concerning representation and patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
68	03/21/2007	WL	NMC, VLS	Email chain concerning licensing and patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
69	03/26/2007	NMC	WL, VLS	Email concerning infringement for the purpose of legal advice and including confidential communications between client and attorney.	A/C
70	03/26/2007	WL	NMC, VLS	Email concerning infringement for the purpose of legal advice and including confidential communications between client and attorney.	A/C
71	03/28/2007	WL	NMC, VLS	Email concerning infringement for the purpose of legal advice and including confidential communications between client and attorney.	A/C
72	03/29/2007	JLL	NMC	Email concerning patent prosecution including confidential communications	A/C

EXHIBIT 3
PAGE 253

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				between client and attorney.	
74	03/30/2007	NMC	WL	Email chain concerning licensing for the purpose of legal advice including confidential communications between client and attorney.	A/C
75	03/30/2007	NMC	WL, VLS	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
76	03/30/2007	WL	NMC, VLS	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
77	03/30/2007	NMC	WL, VLS, JLL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
78	03/30/2007	WL	NMC, VLS, JLL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
79	03/30/2007	NMC	WL	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney.	A/C
80	03/30/2007	NMC	VLS, JLL	Email concerning patent prosecution including confidential communications between client and attorney.	A/C
82	05/01/2007	WL	NMC	Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client	A/C

EXHIBIT M
PAGE 251

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				and attorney.	
83	05/01/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
84	05/03/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
85	05/09/2007	WL	NMC	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
86	05/18/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
87	07/04/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
88	10/02/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
89	10/02/2007	WL	NMC	Email chain concerning patent	A/C

EXHIBIT M
PAGE 255

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				prosecution for the purpose of legal advice including confidential communications between client and attorney.	
90	10/03/2007	WL	NMC	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
91	10/05/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
92	10/05/2007	WL	NMC	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
93	12/17/2007	NMC	WL	Email chain concerning patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
94	06/11/2008	WL	NMC	Email concerning representation and patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C
95	06/14/2008	NMC	WL	Email concerning representation and patent prosecution for the purpose of legal advice including confidential	A/C

EXHIBIT 13
PAGE 256

Ref	Date	Author(s)	Recipient(s)	Description	Privilege(s) Claimed
				communications between client and attorney.	
96	10/26/2008	Christin Cho	NMC	Email concerning discovery related to the litigation.	W/P, TPM
97	10/27/2008	WL	NMC	Email chain concerning representation and patent prosecution for the purpose of legal advice including confidential communications between client and attorney.	A/C

EXHIBIT 20
PAGE 257

EXHIBIT N

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50 California Street, 22nd Floor, San Francisco, California 94111 - TEL (415) 875-6600 FAX (415) 875-6700

June 8, 2009

VIA ELECTRONIC MAIL

Greg Dovel
Christin Cho
Dovel & Luner LLP
201 Santa Monica Boulevard, Suite 600
Santa Monica, CA 90401

Re: Performance Pricing, Inc. v. Google Inc. et al.

Dear Greg & Christin:

I write to memorialize our meet and confer on June 4, 2009 regarding privilege log issues in the Performance Pricing, Inc. v. Google Inc. et al. matter. During our call, we discussed the revised privilege logs of Performance Pricing, PricePlay/Wayne Lin, and Neal Cohen/Vista IP Law Group that were served on May 29, 2009.

First, we discussed the issue of waiver of attorney-client privilege or work product protection. In particular, we noted that Neal Cohen/Vista IP Law Group had asserted attorney-client privilege for a number of documents in the May 18 and May 29, 2009 privilege logs, where attorney-client privilege had not been asserted in the previous logs. It was only after we had complained multiple times that documents in the Cohen privilege log were not entitled to work product protection—and after multiple iterations of that privilege log—that Cohen removed the assertion of work product protection, and added an assertion of attorney-client privilege for these documents. Having failed to previously assert attorney-client privilege for these documents, Cohen has waived the privilege and these documents must be produced. Specifically, Cohen must produce documents corresponding with privilege log entries 21, 43, 72, and 80. Additionally, Cohen must produce documents corresponding with privilege log entries, for which Cohen did not assert attorney-client privilege in his 3.18.2009 or 4.18.2009 privilege logs

EXHIBIT N
PAGE 258

1-27, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 9-1, 9-2, 11-9, 26-4, 26-5, 26-6-7, 26-8-9, 26-10-11, 26-12-14, 26-15-16, 26-17-18, 26-19-18, 26-20, 30-1, 30-2, 30-3, 30-4, 30-5, 30-6-7, 30-10-11, 30-14, 30-15, 30-16, 30-1-19, 30-20, 30-21, 30-22-23, 30-24, 30-25-26, 30-27-32, 30-33-34, 30-35, 30-36-37, 30-38, 30-39-40. Finally, Cohen must produce documents corresponding to the following privilege log entries, for which Cohen did not assert attorney-client privilege in his original or first revised privilege logs: 2-5, 2-6, 2-11, 10-1, 10-2, 10-3, 10-4, 10-5, 10-6, 10-7, 29-1, 29-2.

Moreover, both PricePlay and Performance Pricing have improperly asserted work product protection or attorney-client privilege in later privilege logs for documents where this was not originally asserted in their first privilege log. These protections or privileges were thus waived. PricePlay must produce documents corresponding with bates numbers P 21956-66, 22026-7, 22115-6, and 22496-508. Similarly, Performance Pricing must produce documents corresponding with bates numbers P 9316-7, 9318-9, 9348-9, 9357-8, 9364-74, 9375-83, 11238-40, 11315-23, 11333-40, 12200-1, 12202-4, 12262-3, 12268-77, 12287-92, 12325, 13499-500, 13501, 13504-5, 13506-7, 13526-7, 15534, 17435, 17440-2, 17443-4, 17505-10, 18428-30, 18431-33, 18436-7, 18475-6, 18499-501, 18502-6, 18511-8, 19836-8, 19841-2, 19843-4, 19900-8, 19909-16, 19917-22, 20816, 9700-2, 13522-3, 21138, 8086, and 11387-400.

Plaintiff asked that we provide authority for the position that the failure to assert privilege or protection in the earlier logs waived the privilege or protection, absent disclosure of the documents. While we continue to believe that such case law is unnecessary given Federal Rule of Civil Procedure Rule 26(b)(5)'s requirement that a party asserting a privilege or protection to "make the claim expressly",[1] we direct Plaintiff's attention to the following case. *See Lockheed Martin Corp. v. L-3 Comm'ns Corp.*, No. 05-1580, 2007 WL 2209250, *7 (M.D. Fla. July 29, 2007) (finding that Lockheed Martin had "waived its assertions of the attorney-client privilege in the present case by failing to state them expressly in its original and supplemental privilege logs", after plaintiff tried to serve a new privilege log asserting attorney-client privilege). If you continue to believe that it was appropriate for you to later assert attorney-client privilege or work product doctrine for documents where it had not been previously asserted, please provide us with case law in support of your position.

Because they have waived attorney-client privilege or work product protection for the documents listed above, we expect Plaintiff, Mr. Lin and Mr. Cohen to produce these documents no later than the end of this week.

Second, we discussed the issue of the privilege log descriptions remaining inadequate. We agreed to provide examples of descriptions that we believed needed to be corrected, and you

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[1] We further note that the Advisory Committee Notes to the 1993 Amendments of Rule 26 state that a party's failure to notify other parties that it is withholding documents because of an assertion of a privilege or work product protection "may be viewed as a waiver of the privilege or protection."

EXHIBIT N
PAGE 259

agreed to address these issues by the end of the week. The parties agreed that at that point, we would either accept these descriptions as they were or move to compel.

Consistent with our discussion, we note that the descriptions in the Cohen privilege log remain inadequate. Cohen's log contains multiple iterations of the same descriptions, such that it is impossible to assess his claims of attorney-client privilege. For example, numerous entries contain the description "Letter concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney." *See, e.g,* 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 1-16, 1-27, 2-5, 2-6, 2-11, 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, and 3-10. Cohen also repeatedly uses a number of similar descriptions, such as for example "Document concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney"; "Email chain concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney"; and "Email concerning patent prosecution for the purpose of legal advice and including confidential communications between client and attorney." These descriptions are insufficient, and do not allow us to assess Cohen's claims as required by Federal Rule of Civil Procedure 45(d)(2). Indeed, this is illustrated by the fact that Cohen uses one of these descriptions regarding "patent prosecution" for documents dated after the prosecution of the '253 Patent had ended and the patent had issued. *See, e.g.,* 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, and 93. Cohen's abbreviation section defined "patent" as the '253 Patent. These documents could not possibly be about the '253 Patent prosecution, given that they are dated so long after the '253 Patent had already issued. Therefore, these descriptions are wrong and must be revised.

Cohen's log must be amended to provide descriptions that are sufficient to assess his claims of privilege.[2]

Finally, while we did not discuss it during our meet and confer, we noticed that the 5.18 and 5.29 versions of the Cohen log contained additional entries that were not contained in the earlier logs. *See* 26-22, 26-23-24, 26-25, 26-26, 26-27, 26-28-29, 26-30, and 26-31-33. Please explain the addition of these entries.

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[2] Please note that while we continue to believe that the PricePlay and Performance Pricing privilege logs contain inadequate descriptions for many of the same issues, we will address them separately depending on the resolution of the issues on the Cohen log.

EXHIBIT N
PAGE 260

As always, we remain willing to meet and confer to resolve any discovery issues, and hope that you similarly remain willing to work together on these issues in a timely and efficient manner. If you believe that a telephone conference would result in a more expeditious resolution of this issue, please let me know so we can setup a time to discuss.

Cordially,

/s/ Emily C. O'Brien

Emily C. O'Brien

EXHIBIT N
PAGE 261