

# EXHIBIT 10



Stewart Kellar &lt;stewart@etrny.com&gt;

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## Submission to the Court

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**Gaudreau, Holly** <hgaudreau@kilpatricktownsend.com>

Thu, Mar 17, 2011 at 12:12 AM

To: Stewart Kellar &lt;stewart@etrny.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

Here they are.

**Holly Gaudreau****Kilpatrick Townsend & Stockton LLP**

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office 415 273 4324 | fax 415 354 3443

[hgaudreau@kilpatricktownsend.com](mailto:hgaudreau@kilpatricktownsend.com) | [My Profile](#) | [VCard](#)

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**From:** Stewart Kellar [mailto:[stewart@etrny.com](mailto:stewart@etrny.com)]**Sent:** Wednesday, March 16, 2011 11:58 PM

[Quoted text hidden]

[Quoted text hidden]

**Scanned\_Doc.PDF**

486K



Stewart Kellar &lt;stewart@etrny.com&gt;

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## Submission to the Court

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**Gaudreau, Holly** <hgaudreau@kilpatricktownsend.com>

Thu, Mar 17, 2011 at 12:01 AM

To: Stewart Kellar &lt;stewart@etrny.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

Scanning now.

**Holly Gaudreau****Kilpatrick Townsend & Stockton LLP**

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**From:** Stewart Kellar [<mailto:stewart@etrny.com>]**Sent:** Wednesday, March 16, 2011 11:58 PM

[Quoted text hidden]

[Quoted text hidden]



Stewart Kellar &lt;stewart@etrny.com&gt;

---

## Submission to the Court

---

**Stewart Kellar <stewart@etrny.com>****Wed, Mar 16, 2011 at 11:58 PM**

To: "Gaudreau, Holly" &lt;hgaudreau@kilpatricktownsend.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

Where are the attachments? I have 2 minutes to file this now and you haven't sent me the attachments.

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---



Stewart Kellar &lt;stewart@etrny.com&gt;

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## Submission to the Court

---

**Gaudreau, Holly** <hgaudreau@kilpatricktownsend.com>

Wed, Mar 16, 2011 at 11:53 PM

To: Stewart Kellar &lt;stewart@etrny.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

It's attached. We are sending exhibits in the next email. Please fix the signature.

**Holly Gaudreau****Kilpatrick Townsend & Stockton LLP**

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**From:** Stewart Kellar [<mailto:stewart@etrny.com>]**Sent:** Wednesday, March 16, 2011 11:52 PM

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[Quoted text hidden]

**Joint letter to Judge Spero re SDK and PSN search protocol.doc**

85K



Stewart Kellar &lt;stewart@etrny.com&gt;

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## Submission to the Court

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Stewart Kellar &lt;stewart@etrny.com&gt;

Wed, Mar 16, 2011 at 11:52 PM

To: "Gaudreau, Holly" &lt;hgaudreau@kilpatricktownsend.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

Holly, it is now 11:51. Where is your portion of the letter (which we have had no chance to review and rebut). You have had our portion since 10:40 and we have received nothing from your portion. This is prejudicial and a violation of the Court's order (that you wrote). Please send me your portion immediately. Thank you.

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Stewart Kellar &lt;stewart@etrny.com&gt;

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## Submission to the Court

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Stewart Kellar &lt;stewart@etrny.com&gt;

Wed, Mar 16, 2011 at 11:35 PM

To: "Gaudreau, Holly" &lt;hgaudreau@kilpatricktownsend.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

Holly,

You have had 55 minutes to review our arguments, rebut them, and make arguments of your own. We have not been provided with a single draft of your position so we are now prejudiced by your delay. Turning the document in to us at 11:50 will represent your final draft and we are permitted to edit our portion to rebut your arguments without further back-and-forths.

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Stewart Kellar &lt;stewart@etrny.com&gt;

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## Submission to the Court

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**Gaudreau, Holly** <hgaudreau@kilpatricktownsend.com>

Wed, Mar 16, 2011 at 11:33 PM

To: Stewart Kellar &lt;stewart@etrny.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

We should have to you in 15 minutes.

**Holly Gaudreau****Kilpatrick Townsend & Stockton LLP**

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**From:** Stewart Kellar [<mailto:stewart@etrny.com>]**Sent:** Wednesday, March 16, 2011 11:28 PM

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[Quoted text hidden]





Stewart Kellar &lt;stewart@etrny.com&gt;

---

## Submission to the Court

---

Stewart Kellar &lt;stewart@etrny.com&gt;

Wed, Mar 16, 2011 at 11:28 PM

To: "Gaudreau, Holly" &lt;hgaudreau@kilpatricktownsend.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

Hello,

Attached is our Proposed Order, It will be attached as Exhibit 4. We have not received any draft of your portion of the joint letter, you have had our portion for 45+ minutes now. Please send your portion immediately. Thank you.

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**Hotz Proposed Order re Protocol for JX discovery.docx**34K

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Stewart Kellar &lt;stewart@etrny.com&gt;

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## Submission to the Court

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**Stewart Kellar <stewart@etrny.com>****Wed, Mar 16, 2011 at 11:14 PM**

To: "Gaudreau, Holly" &lt;hgaudreau@kilpatricktownsend.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

FYI, I made Mr. Grennier's March 16 letter Exhibit 3. Mr. Hotz's proposed order will be Exhibit 4.

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Stewart Kellar &lt;stewart@etrny.com&gt;

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## Submission to the Court

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Stewart Kellar &lt;stewart@etrny.com&gt;

Wed, Mar 16, 2011 at 10:57 PM

To: "Gaudreau, Holly" &lt;hgaudreau@kilpatricktownsend.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

attached, except for the proposed order (Exh. 3 which we are working on) Exhibit 2 is Docket No 3, Exh B, but it is attached nonetheless.

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### 2 attachments

 **Exhibit 1.pdf**  
114K

 **Exhibit 2.pdf**  
120K

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Stewart Kellar &lt;stewart@etrny.com&gt;

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## Submission to the Court

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**Gaudreau, Holly** <hgaudreau@kilpatricktownsend.com>

Wed, Mar 16, 2011 at 10:54 PM

To: Stewart Kellar &lt;stewart@etrny.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvllaw.com&gt;

Hi Stewart, please send us the exhibits you reference that we don't have. Thanks.

**Holly Gaudreau****Kilpatrick Townsend & Stockton LLP**

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**From:** Stewart Kellar [<mailto:stewart@etrny.com>]**Sent:** Wednesday, March 16, 2011 10:41 PM

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[Quoted text hidden]



Stewart Kellar &lt;stewart@etrny.com&gt;

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## Submission to the Court

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Stewart Kellar &lt;stewart@etrny.com&gt;

Wed, Mar 16, 2011 at 10:40 PM

To: "Gaudreau, Holly" &lt;hgaudreau@kilpatricktownsend.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

Hello, attached is our portion of the joint letter, please add your portion and turn it around to me ASAP so we may all make final additions and edits for turn-in to me *between 11:15 and 11:30*. This is reasonable considering we are almost 11 hours out from the conference call with TIG.

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**Joint letter to Judge Spero re SDK and PSN search protocol.doc**71K

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Stewart Kellar &lt;stewart@etrny.com&gt;

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## Submission to the Court

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**Gaudreau, Holly** <hgaudreau@kilpatricktownsend.com>

Wed, Mar 16, 2011 at 10:31 PM

To: Stewart Kellar &lt;stewart@etrny.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

Hi Stewart,

This is not reasonable. We will provide you with our response by 11:30 tonight for your filing by midnight.

Thanks.

Holly

**Holly Gaudreau****Kilpatrick Townsend & Stockton LLP**

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office 415 273 4324 | fax 415 354 3443

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**From:** Stewart Kellar [mailto:[stewart@etrny.com](mailto:stewart@etrny.com)]**Sent:** Wednesday, March 16, 2011 10:29 PM**To:** Gaudreau, Holly**Cc:** Yasha Heidari; Bricker, Ryan; Jack C. Praetzellis**Subject:** Re: Submission to the Court

[Quoted text hidden]



Stewart Kellar &lt;stewart@etrny.com&gt;

---

## Draft Protocol for TIG

---

**Stewart Kellar <stewart@etrny.com>****Wed, Mar 16, 2011 at 10:01 PM**

To: "Gaudreau, Holly" &lt;hgaudreau@kilpatricktownsend.com&gt;

Cc: Yasha Heidari &lt;yasha@hplawgroup.com&gt;, "Bricker, Ryan" &lt;rbricker@kilpatricktownsend.com&gt;, "Jack C. Praetzellis" &lt;jack@mbvlaw.com&gt;

Holly, we last spoke around 8pm. How are things going? We would like to get this joint letter and proposed orders filed comfortably before midnight. Thanks in advance for any update you have.

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