

From: Eric Schmidt.

Sent: 4/29/2006 2:18 AM.

To: [-] Andy Rubin; Alan Eustace.

Cc: [-]

Bcc: [-]

Subject: RE: Sun deal.

Thanks Andy. I have not heard from Jonathan.. I'm sure he has his hands full :-)

We should review all of this at a normal Deal review .. I want to make sure Larry is OK with the deal (he is loathe to accept any restrictions on us..)

Thanks eric

-----Original Message-----

From: Andy Rubin [mailto:arubin@google.com]

Sent: Friday, April 28, 2006 5:02 PM

To: Alan Eustace

Cc: Eric Schmidt

Subject: Sun deal

This may be a little late, since apparently Schwartz sent an e-mail to Eric, but...

We are freezing out Sun on a few deal points. I "walked away" from a proposal they had. I smell fear and think we're in a great negotiating position.

Overall, here's where we stand:

- 1) I am convinced they will open source java with no tricks
- 2) Final price: \$28M
- 3) We did such a good job of convincing them our platform was a good idea, they want to have a hand in it's design and "own" parts where they have no value add.

I am not okay with point #3 above. Sun is really good at writing specs and will be especially good at bear-hugging us with countless droids (not the good kind) who are D players. The opportunity Google has is to approach the wireless industry from a clean slate. If we are not careful, partnering with Sun will also bring all sorts of industry baggage that results in least common denominator designs built by consensus. The handset industry is ripe for an innovator like Google to flush out the crap that's been circling the bowl for years.

If you hear anything from them I'm happy to talk more. I'm also happy to change my approach if you think I'm being unreasonable. After all, I'm representing Google and want to make sure I'm doing it the way you'd want me to.

- andy

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRIAL EXHIBIT 3443

CASE NO. 10-03561 WHA

DATE ENTERED _____

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Oracle America v. Google, 3:10-cv-03561-WHA

GOOGLE-01-00076340