

## Harel, Shahar (CIV)

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**From:** gorourke@okorlaw.com  
**Sent:** Wednesday, December 15, 2021 12:20 PM  
**To:** Harel, Shahar (CIV); 'Laura Carrig'; Kuan, Nelson (CIV); Bolden, Scott (CIV); Akey, Sean M. (CIV)  
**Cc:** 'Sean O'Kelly'  
**Subject:** RE: [EXTERNAL] e-Numerate v United States 19-859  
**Attachments:** Scanned Computer Dictionary Pages FINAL.pdf

Shahar,

We have been tied up on various other matters this week. We have attached a copy of the pages we are relying on from the Microsoft Computer Dictionary. We reserve the right to add to this and to cite any and all extrinsic evidence sources cited by Defendant. We are contemplating serving a rebuttal declaration to the Martin declaration that you have provided.

In terms of a call, how about 11 am on this Friday? If that works, please circulate call-in information.

Very truly yours,

Jerry

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**From:** Harel, Shahar (CIV) <Shahar.Harel@usdoj.gov>  
**Sent:** Tuesday, December 14, 2021 9:44 AM  
**To:** Laura Carrig <lcarrig@okorlaw.com>; Kuan, Nelson (CIV) <Nelson.Kuan@usdoj.gov>; Bolden, Scott (CIV) <Scott.Bolden@usdoj.gov>; Akey, Sean M. (CIV) <Sean.M.Akey@usdoj.gov>  
**Cc:** Gerard O'Rourke <gorourke@okorlaw.com>; Sean O'Kelly <sokelly@okorlaw.com>  
**Subject:** RE: [EXTERNAL] e-Numerate v United States 19-859

Counsel,

I am following up on this again. Please provide a copy of the extrinsic evidence referenced in e-Numerate's disclosure including the relevant portions of the Microsoft Computer Dictionary and provide some times when e-Numerate is available to meet and confer this week as required by the Court's schedule.

Regards,  
Shahar

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**From:** Harel, Shahar (CIV)  
**Sent:** Wednesday, December 8, 2021 9:35 AM  
**To:** Laura Carrig <[lcarrig@okorlaw.com](mailto:lcarrig@okorlaw.com)>; Kuan, Nelson (CIV) <[Nelson.Kuan@usdoj.gov](mailto:Nelson.Kuan@usdoj.gov)>; Bolden, Scott (CIV) <[Scott.Bolden@usdoj.gov](mailto:Scott.Bolden@usdoj.gov)>; Akey, Sean M. (CIV) <[Sean.M.Akey@usdoj.gov](mailto:Sean.M.Akey@usdoj.gov)>  
**Cc:** Gerard O'Rourke <[gorourke@okorlaw.com](mailto:gorourke@okorlaw.com)>; Sean O'Kelly <[sokelly@okorlaw.com](mailto:sokelly@okorlaw.com)>  
**Subject:** RE: [EXTERNAL] e-Numerate v United States 19-859

Counsel,

I am following up on this. We have made the extrinsic evidence we cited on Friday available for download to e-Numerate. However, we do not have the actual extrinsic evidence that e-Numerate has cited. For example, we scanned portions of the Microsoft Computer Dictionary and made those available. While e-Numerate also cited this reference, it has not provided or identified the specific pages and we would need to retrieve this book from a library if those pages are different from those ones we provided. Therefore, please immediately provide copies of the extrinsic evidence you are relying on.

Additionally, pursuant to the Court's adopted schedule (Dkt. 64), please provide a time e-Numerate is available to meet and confer with respect to the claim terms to determine if the parties can meaningfully reduce the number of disputed terms. Per the Court's schedule, this meeting should happen by December 19, but as that is a Sunday we believe the meeting should happen by December 17.

Regards,  
Shahar

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**From:** Harel, Shahar (CIV)  
**Sent:** Friday, December 3, 2021 6:15 PM  
**To:** Laura Carrig <[lcarrig@okorlaw.com](mailto:lcarrig@okorlaw.com)>; Kuan, Nelson (CIV) <[Nelson.Kuan@usdoj.gov](mailto:Nelson.Kuan@usdoj.gov)>; Bolden, Scott (CIV) <[Scott.Bolden@usdoj.gov](mailto:Scott.Bolden@usdoj.gov)>; Akey, Sean M. (CIV) <[Sean.M.Akey@usdoj.gov](mailto:Sean.M.Akey@usdoj.gov)>  
**Cc:** Gerard O'Rourke <[gorourke@okorlaw.com](mailto:gorourke@okorlaw.com)>; Sean O'Kelly <[sokelly@okorlaw.com](mailto:sokelly@okorlaw.com)>  
**Subject:** RE: [EXTERNAL] e-Numerate v United States 19-859

Counsel,

Attached, please find Defendant's Disclosure of Extrinsic Evidence including the Declaration of David Martin. The remaining extrinsic evidence cited therein has been sent via the JEFS file transfer. Please let us know if you have any issues retrieving it. Also, please let us know if Plaintiffs will be serving the actual extrinsic evidence it has referenced.

Regards,  
Shahar

**From:** Laura Carrig <[lcarrig@okorlaw.com](mailto:lcarrig@okorlaw.com)>  
**Sent:** Friday, December 3, 2021 4:52 PM  
**To:** Harel, Shahar (CIV) <[Shahar.Harel@usdoj.gov](mailto:Shahar.Harel@usdoj.gov)>; Kuan, Nelson (CIV) <[Nelson.Kuan@usdoj.gov](mailto:Nelson.Kuan@usdoj.gov)>; Bolden, Scott (CIV) <[Scott.Bolden@usdoj.gov](mailto:Scott.Bolden@usdoj.gov)>  
**Cc:** Gerard O'Rourke <[gorourke@okorlaw.com](mailto:gorourke@okorlaw.com)>; Sean O'Kelly <[sokelly@okorlaw.com](mailto:sokelly@okorlaw.com)>  
**Subject:** [EXTERNAL] e-Numerate v United States 19-859

Dear Counsel,

Attached please find Plaintiffs' Disclosure of Extrinsic Evidence.

Sincerely,

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**Laura G. Carrig**

**Office Manager**

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