

From: [Civins, Conor](#)
To: [Fishman, Deborah](#); [Rajani, Assad](#); [Tonkinson, Michael](#)
Cc: [Chibib, Michael](#); [Heaney, Julie \(JHeaney@MNAT.com\)](#); [Bernell, Ben](#)
Subject: Callidus v. Versata (NDCA)
Date: Monday, November 05, 2012 12:11:28 PM
Importance: High

Counsel,

I represent the Versata plaintiffs (collectively, "Versata") in the patent case filed against Callidus in the District of Delaware (Cause No. 1:12-cv-00931-SLR). We are aware that you filed a declaratory judgment on Callidus's behalf against Versata in the Northern District of California involving the same patents-in-suit we have asserted in the pending Delaware action (the "NDCA action"). To date, Versata has no knowledge of being served with the NDCA action. Would you please confirm that Versata has not yet been served?

Also, out of an abundance of caution, I'm writing to let you know that, if and when Versata is properly served with the NDCA action, we will represent them and intend to file a motion to dismiss the case for at least the reason that it is a second filed suit.

Thanks,

Conor

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