

## EXHIBIT 2012

## Lauren Van Winkle

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**From:** JFeldhaus@foley.com  
**Sent:** Wednesday, November 13, 2013 5:23 AM  
**To:** Justin Nemunaitis  
**Cc:** Ericsson\_D-Link; ToshibaDefendants-Ericsson@foley.com  
**Subject:** RE: Ericsson v. D-Link - Broadcom IPR

Justin,

As I have now made clear several times, Toshiba's position is that Ericsson's issues should be addressed to Broadcom and through the appropriate procedures at the PTAB.

Respectfully,

John J. Feldhaus  
Foley & Lardner LLP  
3000 K Street, N.W.  
Washington, D.C. 20007  
(202) 672-5403

**From:** Justin Nemunaitis [mailto:jnemunaitis@McKoolSmith.com]  
**Sent:** Tuesday, November 12, 2013 5:38 PM  
**To:** Feldhaus, John J.  
**Cc:** Ericsson\_D-Link; ToshibaDefendants-Ericsson  
**Subject:** RE: Ericsson v. D-Link - Broadcom IPR

John,

Following up on my email below. If Toshiba is unwilling to redact the document, is Toshiba willing to provide Ericsson's IPR counsel and the PTAB access to the document if a suitable protective order can be obtained from the PTAB?

Regards,  
Justin

**From:** Justin Nemunaitis  
**Sent:** Tuesday, November 12, 2013 3:31 PM  
**To:** 'JFeldhaus@foley.com'  
**Cc:** Ericsson\_D-Link; [ToshibaDefendants-Ericsson@foley.com](mailto:ToshibaDefendants-Ericsson@foley.com)  
**Subject:** RE: Ericsson v. D-Link - Broadcom IPR

John,

Is Toshiba willing to provide a redacted version of this document that is non-confidential or is it your position that the document cannot be redacted?

Regards,  
Justin

**From:** [JFeldhaus@foley.com](mailto:JFeldhaus@foley.com) [mailto:[JFeldhaus@foley.com](mailto:JFeldhaus@foley.com)]  
**Sent:** Tuesday, November 12, 2013 12:51 PM

**To:** Justin Nemunaitis  
**Cc:** Ericsson\_D-Link; [ToshibaDefendants-Ericsson@foley.com](mailto:ToshibaDefendants-Ericsson@foley.com)  
**Subject:** RE: Ericsson v. D-Link - Broadcom IPR

Justin,

The confidentiality designation for TOSH-0384297 is proper under the Protective Order. Again, Ericsson's issues should be addressed to Broadcom and in the appropriate forum.

Regards,

John

**From:** Justin Nemunaitis [<mailto:jnemunaitis@McKoolSmith.com>]  
**Sent:** Monday, November 11, 2013 3:07 PM  
**To:** Feldhaus, John J.  
**Cc:** Ericsson\_D-Link; ToshibaDefendants-Ericsson  
**Subject:** RE: Ericsson v. D-Link - Broadcom IPR

John,

We intend to raise these issues with Broadcom. However, we also request that Toshiba remove the confidentiality designation for TOSH-0384297. If Toshiba will not agree to do so, please let me know why.

Regards,  
Justin

**From:** [JFeldhaus@foley.com](mailto:JFeldhaus@foley.com) [<mailto:JFeldhaus@foley.com>]  
**Sent:** Sunday, November 10, 2013 12:55 PM  
**To:** Justin Nemunaitis  
**Cc:** Ericsson\_D-Link; [ToshibaDefendants-Ericsson@foley.com](mailto:ToshibaDefendants-Ericsson@foley.com)  
**Subject:** RE: Ericsson v. D-Link - Broadcom IPR

Dear Justin,

This is in response to your emails, below, relating to petitions for *inter partes* review of patents involved in the *Ericsson v. D-Link* case. The issues you raise relate to Broadcom and should be addressed to counsel for Broadcom.

Respectfully,

John J. Feldhaus  
Foley & Lardner LLP  
3000 K Street, N.W.  
Washington, D.C. 20007  
(202) 672-5403

**From:** Justin Nemunaitis [<mailto:jnemunaitis@McKoolSmith.com>]  
**Sent:** Friday, November 08, 2013 5:17 PM  
**To:** ToshibaDefendants-Ericsson  
**Cc:** Ericsson\_D-Link  
**Subject:** RE: Ericsson v. D-Link - Broadcom IPR

Counsel for Toshiba,

Following up on my emails below. Ericsson also requests that you provide a non-confidential version of the following document:

TOSH-0384297

Regards,  
Justin

**From:** Justin Nemunaitis  
**Sent:** Friday, November 08, 2013 4:15 PM  
**To:** Morgan, Christine ([CMorgan@ReedSmith.com](mailto:CMorgan@ReedSmith.com)); [ToshibaDefendants-Ericsson@foley.com](mailto:ToshibaDefendants-Ericsson@foley.com); [Dell-Ericsson@alston.com](mailto:Dell-Ericsson@alston.com) (Alston) ([Dell-Ericsson@alston.com](mailto:Dell-Ericsson@alston.com))  
**Cc:** Ericsson\_D-Link  
**Subject:** RE: Ericsson v. D-Link - Broadcom IPR

Counsel,

Following up on my email below, please let me know if Defendants will be providing the requested information in a form that may be shared with the PTAB and with Ericsson's IPR counsel.

Thanks,  
Justin

**From:** Justin Nemunaitis  
**Sent:** Wednesday, November 06, 2013 4:38 PM  
**To:** Morgan, Christine ([CMorgan@ReedSmith.com](mailto:CMorgan@ReedSmith.com)); [ToshibaDefendants-Ericsson@foley.com](mailto:ToshibaDefendants-Ericsson@foley.com); [Dell-Ericsson@alston.com](mailto:Dell-Ericsson@alston.com) (Alston) ([Dell-Ericsson@alston.com](mailto:Dell-Ericsson@alston.com))  
**Cc:** Ericsson\_D-Link  
**Subject:** RE: Ericsson v. D-Link - Broadcom IPR

Dear Counsel,

I write in regard to Broadcom's petitions for *inter partes* review of the patents found infringed in *Ericsson v. D-Link*. Ericsson believes that those petitions should be barred under 35 U.S.C. § 315(b) because at least one of the defendants in this case is the privy of Broadcom. To assist the PTAB in evaluating that issue, we request that Defendants allow the PTAB access to relevant documents. Specifically, Ericsson requests that Defendants provide non-confidential versions of the documents below that can be shared with the PTAB and with Ericsson's IPR counsel:

- All indemnity agreements between Defendants and Broadcom related to the products at issue in the lawsuit.
- All joint defense agreements related to *Ericsson v. D-Link* signed by Broadcom and any of the defendants in this case.

If Defendants will not agree to Ericsson's requests, please let me know why.

Thanks,  
Justin

Justin Nemunaitis | McKool Smith  
300 Crescent Court, Suite 1500, Dallas, Texas 75201  
tel: 214.978.4213 fax: 214.978.4044

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