

From: [Coulson, Chris](#)
To: ["Day, Evan S. \(Perkins Coie\)"; Bright, Meghan \(Perkins Coie\); Ng, Chun \(Perkins Coie\); Bernstein, Matthew C. \(Perkins Coie\); Sathe, Vinay \(Perkins Coie\); McKeever, Patrick J. \(Perkins Coie\); PerkinsServiceBromiumIPR@perkinscoie.com](#)
Cc: [Zachary, Michael](#); [Ulrich, Clifford](#)
Subject: Microsoft Corp. v. Bromium Tech. // IPR2016-00448, -00449 –Deposition of Mr. Lavi
Date: Wednesday, February 15, 2017 9:34:48 PM

Matt, Evan,

I write to memorialize our meet-and-confer held at 5 p.m. Eastern today regarding the deposition of Mr. Lavi in IPR2016-00448, -00449.

You explained that Microsoft has requested that Mr. Lavi travel to the U.S. for deposition and Microsoft is awaiting a response from Mr. Lavi.

I explained that, to avoid prejudice to Bromium, Bromium requests that Microsoft agree to move DUE DATE 4, if necessary, such that Mr. Lavi's deposition take place "more than a week" (37 C.F.R. 53(d)(2)) before DUE DATE 4, while DUE DATE 5 remain the same. I requested a response by tomorrow, given that Microsoft has not provided any dates that would work under the current schedule. You responded that you would check with Microsoft.

Regarding deposition location, I explained that Bromium is not agreeable to a deposition outside the United States, but instead requests that Mr. Lavi physically travel to the U.S. for deposition. Your response was that Microsoft's position would depend on the witness's response. Please let us know as soon as possible if Microsoft becomes aware that Mr. Lavi will not timely be made available in the U.S. so that Bromium can raise this issue with the Board.

Regarding length of deposition, I explained that Bromium's request is that Mr. Lavi remain available for a second day. That is, Mr. Lavi should not plan to leave the U.S. the day after deposition, but should remain in the U.S. so that there is an opportunity for additional deposition time on a second day, should that be necessary. Your response was that Microsoft's position would depend on the witness's response.

I asked that Microsoft confirm that Mr. Lavi will testify in English without an

interpreter. As I explained, Mr. Lavi's declaration is in English, so Bradium expects that cross-examination and other deposition testimony of Mr. Lavi will be conducted in English without the use of an interpreter. Your response was that Microsoft's position would depend on the witness's response and that an interpreter is not ruled out. In light of 37 C.F.R. 42.53(e), please confirm as soon as possible if Microsoft intends to seek the use of an interpreter so that the issue can be raised with the Board.

Best regards,

Chris Coulson
ANDREWS KURTH KENYON LLP

Tel: 212.908.6409