

From: [Coulson, Chris](#)
To: ["Day, Evan S. \(Perkins Coie\)"](#)
Cc: [Ng, Chun \(Perkins Coie\)](#); [Bernstein, Matthew C. \(Perkins Coie\)](#); PerkinsServiceBradiumIPR@perkinscoie.com; [Ulrich, Clifford](#); [Zachary, Michael](#)
Subject: Microsoft Corp. v. Bradium Tech. // IPR2016-00448, -00449: Request that Microsoft Withdraw Ex. 1017 (Lavi Decl.)
Date: Wednesday, March 01, 2017 7:45:59 PM

Dear Evan,

As Microsoft has failed to timely offer Mr. Lavi for deposition in the United States, Bradium requests that Microsoft voluntarily withdraw Mr. Lavi's declaration (Ex. 1017) and the material that relies on his declaration, including at least Paper 34, Pages 2-3, 15-16, 23-26. If Microsoft does not timely withdraw these materials, Bradium will seek relief from the Board to exclude these materials and have them expunged from the record.

To be clear, given the nature of Mr. Lavi's assertions, and the volume and type of material he addresses in his 31-page declaration and 40 pages of accompanying exhibits, Bradium could not agree to a foreign deposition of Mr. Lavi. Further, the travel time and time-zone changes involved in the round-trip to Israel renders a deposition there infeasible for us, and that is especially the case at this late date. It is unclear how Microsoft's Hague Convention proposal would be workable at this point, and the lack of detail in your Feb. 28 proposal does not alleviate this concern.

Bradium has been reasonable in providing time for Microsoft to provide a deposition date in the United States. As an initial matter, Microsoft sought and took Mr. Levanon's deposition in the United States, and must have been aware that the rules contemplate that Mr. Lavi, too, be deposed in the United States. Bradium requested that Mr. Lavi be made available for deposition in the United States via my February 9, 2017 letter. I followed up on this request in my February 13 letter. At my request, we met and conferred by telephone on Wednesday, February 15, 2017. I reiterated during that meet-and-confer that Bradium is not agreeable to a foreign deposition, but instead requests that Mr. Lavi physically travel to the United States. I further offered that Bradium would be agreeable to a reasonable extension, but I asked that you advise as soon as possible if Microsoft became aware that Mr. Lavi would not be timely made available in the United States. I received no response at all, however, until your e-mail below, almost two weeks after our meet-and-confer. Your late response provides no details or proposed schedule for deposition.

Bradium disagrees with your characterization of my letters and our conversations. Mr. Lavi's wide-ranging assertions and personal attacks are made without supporting evidence and on their face are not credible. It no surprise that Mr. Lavi does not wish to face questioning on the statements in his declaration. You did not mention anything about Mr. Lavi's "concerns" during our meet-and-confer, and your Feb. 28 e-mail is the first time you are raising this

issue. I note that Microsoft obtained Mr. Lavi's declaration by seeking out, and then publishing, information from this former employee without notice or permission. I further note that refused to promptly seal Mr. Lavi's declaration as I requested on February 9th.

Best regards,

Chris Coulson
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