

## Park, Woo Sin Sean

---

**From:** Ryan Beard <rbeard@intprop.com>  
**Sent:** Tuesday, December 13, 2016 1:32 PM  
**To:** Park, Woo Sin Sean; Alquist, Elizabeth A.; Christina Comer  
**Cc:** 'smcnamara@ssjr.com'; Dwayne Goetzel; Eric Meyertons  
**Subject:** RE: Lego v. Rubicon, et al.; Civil Action No. 3:15-cv-00823-VLB

Sean,

Pursuant to the Court's Protective Order, all of the information that you used from the deposition is designated by the Court as confidential or attorneys' eyes only. We will designate the information when we receive an edited and complete transcript pursuant to the Court's Protective Order and the timeline set therein.

With respect to your last paragraph, we have reviewed every document you have identified as allegedly mismarked and addressed each document pursuant to the Court's Protective Order. As I have stated to you numerous times, if you have any issues with any other documents, please raise such issues pursuant to the terms of the Court's Protective Order and we will follow the Court's procedures to address your issues. We are not going to attempt to guess which documents you have an issue with. That's not the Court's procedure to address these issues.

Ryan Beard  
Shareholder  
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
1120 S. Capital of Texas Hwy., Building 2, Suite 300, Austin, Texas 78746  
Direct Dial: (512) 853-8833  
Facsimile: (512) 853-8801  
Email: [rbeard@intprop.com](mailto:rbeard@intprop.com)

NOTICE: The information contained in this electronic mail message and any attachments hereto is intended only for the personal and confidential use of the designated recipients. This message and any attachments hereto may constitute an attorney-client communication, and as such are privileged and confidential. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this message in error, and that any review, dissemination, distribution or copying of this message and any attachments hereto is strictly prohibited. If you have received this message in error, please notify me immediately by telephone (512.853.8833) and electronic mail at [rbeard@intprop.com](mailto:rbeard@intprop.com). Thank you.

---

**From:** Park, Woo Sin Sean [mailto:wpark@daypitney.com]  
**Sent:** Tuesday, December 13, 2016 10:43 AM  
**To:** Ryan Beard <rbeard@intprop.com>; Alquist, Elizabeth A. <eaalquist@daypitney.com>; Christina Comer <ccomer@intprop.com>  
**Cc:** 'smcnamara@ssjr.com' <smcnamara@ssjr.com>; Dwayne Goetzel <dgoetzel@intprop.com>; Eric Meyertons <emeyertons@intprop.com>  
**Subject:** RE: Lego v. Rubicon, et al.; Civil Action No. 3:15-cv-00823-VLB

Dear Ryan:

Although we disagree that anything in Exhibit 2016 can be considered confidential under the Court's Standing Protective Order, out of an abundance of caution, we will work with you and file a motion to seal Exhibit 2016. We are drafting the motion now. Please inform us what portion is considered confidential or confidential-attorneys' eyes only and what

basis you intend to rely on, so we can provide to the Board “[a] full statement of the reasons for the relief requested.” 37 C.F.R. § 42.22.

In the last paragraph of your e-mail, you fail to include that almost all of “several thousand pages of documents” your client produced were designated as confidential-attorneys’ eyes only. You also fail to include that we have repeatedly written to you to protest such unreasonable abuse of the protective designations. After you refused to change any of the improper designations, we identified a “handful” examples during the deposition (again, all of which you removed shortly thereafter). Let us state clearly: the instances of your abuse of the designations are legion and not limited to the examples.

Sean

---

**From:** Ryan Beard [<mailto:rbeard@intprop.com>]  
**Sent:** Monday, December 12, 2016 6:28 PM  
**To:** Alquist, Elizabeth A.; Christina Comer; Park, Woo Sin Sean  
**Cc:** 'smcnamara@ssjr.com'; Dwayne Goetzel; Eric Meyertons  
**Subject:** RE: Lego v. Rubicon, et al.; Civil Action No. 3:15-cv-00823-VLB

Beth,

I’m not sure why you believe that your actions are not a clear violation of the Court’s Protective Order. As I stated in the letter, we conferenced with our local counsel on the issue and he agrees. The information that you used in a public document is deemed by the Protective Order to be confidential or confidential-attorneys’ eyes only until we receive a transcript for the deposition and have been granted 10 business days to designate the information. I don’t understand how your reading could be any different than that.

With respect to the remainder of your e-mail, we are going to follow the procedures set forth in the Court’s Protective Order. Given this, we will give you until tomorrow at the close of business to file the necessary papers with the Board to seal the information you publically disclosed in violation of the Protective Order or you can withdraw the documents. If you do not do one of these two things, then we will file our own motion to strike with the Board and seek sanctions from the Court.

With respect to your allegation that we have “abused” designations in this case, we disagree. Our client has produced several thousand pages of documents in this case. Out of all those documents, you have identified a handful of documents that you believe were not designated properly. Even though you did not follow the Court’s rules with respect to this issue (as set forth in Section 12 of the Court’s Protective Order), we have reviewed those documents on our own and changed the designations as appropriate. Your allegations are simply false.

Ryan Beard  
Shareholder  
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
1120 S. Capital of Texas Hwy., Building 2, Suite 300, Austin, Texas 78746  
Direct Dial: (512) 853-8833  
Facsimile: (512) 853-8801  
Email: [rbeard@intprop.com](mailto:rbeard@intprop.com)

NOTICE: The information contained in this electronic mail message and any attachments hereto is intended only for the personal and confidential use of the designated recipients. This message and any attachments hereto may constitute an attorney-client

communication, and as such are privileged and confidential. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this message in error, and that any review, dissemination, distribution or copying of this message and any attachments hereto is strictly prohibited. If you have received this message in error, please notify me immediately by telephone (512.853.8833) and electronic mail at [rbeard@intprop.com](mailto:rbeard@intprop.com). Thank you.

---

**From:** Alquist, Elizabeth A. [<mailto:eaalquist@daypitney.com>]

**Sent:** Monday, December 12, 2016 8:03 AM

**To:** Christina Comer <[cocomer@intprop.com](mailto:cocomer@intprop.com)>; Park, Woo Sin Sean <[wpark@daypitney.com](mailto:wpark@daypitney.com)>

**Cc:** 'smcnamara@ssjr.com' <[smcnamara@ssjr.com](mailto:smcnamara@ssjr.com)>; Ryan Beard <[rbeard@intprop.com](mailto:rbeard@intprop.com)>; Dwayne Goetzel <[dgoetzel@intprop.com](mailto:dgoetzel@intprop.com)>; Eric Meyertons <[emeyertons@intprop.com](mailto:emeyertons@intprop.com)>

**Subject:** RE: Lego v. Rubicon, et al.; Civil Action No. 3:15-cv-00823-VLB

Dear Ryan,

We write in response to your letter sent on December 9, 2016. First, we disagree with your reading of the Protective Order.

Second, we find it questionable that the deposition excerpt submitted to the PTAB, or any part thereof, is confidential in any way. Please let us know what portion, by page and line number, if any, you consider to be confidential as "(a) trade secrets, (b) proprietary business information, or (c) information implicating an individual's legitimate expectation of privacy," and what reasonable and good faith basis, if any, Rubicon has for seeking such designation. Please indicate which designation Rubicon would give each portion. We remind you that Rubicon has continuously abused protective designations in this case, and, for example, you have removed confidential and confidential attorneys' eyes only designations of every exemplary documents about which we inquired in Jim Thompson's deposition, months after we asked that you remove such designation from obviously non-confidential documents.

If you provide us with the above mentioned information, we will work with you to contact the board and seek permission to file a motion to seal those portions.

Kind regards,  
Beth

Elizabeth A. Alquist | Attorney at Law | [Attorney Bio](#)



242 Trumbull Street | Hartford CT 06103-1212  
t (860) 275 0137 | f (860) 881 2456 | m (860) 543 4197  
[eaalquist@daypitney.com](mailto:eaalquist@daypitney.com) | [www.daypitney.com](http://www.daypitney.com)

BOSTON | CONNECTICUT | FLORIDA | NEW JERSEY | NEW YORK | WASHINGTON, DC



---

**From:** Christina Comer [<mailto:cocomer@intprop.com>]

**Sent:** Friday, December 09, 2016 5:35 PM

**To:** Alquist, Elizabeth A.; Park, Woo Sin Sean

**Cc:** 'smcnamara@ssjr.com'; Ryan Beard; Dwayne Goetzel; Eric Meyertons

**Subject:** Lego v. Rubicon, et al.; Civil Action No. 3:15-cv-00823-VLB

Dear Ms. Alquist:

Please see the attached letter in connection with the above-referenced matter.

**Christina Comer**  
**Legal Assistant**  
**Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.**  
**1120 S. Capital of Texas Hwy.**  
**Building 2, Suite 300**  
**Austin, Texas 78746**  
**Direct Dial: (512) 853-8861**  
**Facsimile: (512) 853-8801**

NOTICE: The information contained in this electronic mail message and any attachments hereto is intended only for the personal and confidential use of the designated recipients. This message and any attachments hereto may constitute an attorney-client communication, and as such are privileged and confidential. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this message in error, and that any review, dissemination, distribution or copying of this message and any attachments hereto is strictly prohibited. If you have received this message in error, please notify me immediately by telephone (512.853.8861) and electronic mail at [ccomer@intprop.com](mailto:ccomer@intprop.com). Thank you.

---

This message contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended solely for the use of the addressee(s) named above. Any disclosure, distribution, copying or use of the information by others is strictly prohibited. If you have received this message in error, please notify the sender by immediate reply and delete the original message. Thank you.

\*\*\*\*\*

---

This message contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended solely for the use of the addressee(s) named above. Any disclosure, distribution, copying or use of the information by others is strictly prohibited. If you have received this message in error, please notify the sender by immediate reply and delete the original message. Thank you.

\*\*\*\*\*