
From: Coulson, Chris <CCoulson@andrewskurthkenyon.com>
Sent: Monday, July 10, 2017 11:31 PM
To: *Perkins-Service-MSFT-Bradium-IPR; Bernstein, Matthew C. (SDO); Day, Evan S. (SDO); Ng, Chun (SEA)
Cc: Zachary, Michael; Ulrich, Clifford
Subject: IPR2016-01897: deposition of Yonatan Lavi and Bradium witnesses

Evan,

We've considered your request and we believe it is premature for Bradium to comment on its response prior to receiving the Board's decisions in IPR2016-448 and 449. We expect to be able to provide additional information shortly after those responses become available.

Sent from my BlackBerry 10 smartphone.

From: Coulson, Chris <CCoulson@andrewskurthkenyon.com>
Sent: Saturday, July 8, 2017 8:33 AM
To: 'Day, Evan S. (Perkins Coie)'; Zachary, Michael; Ulrich, Clifford
Cc: Bernstein, Matthew C. (Perkins Coie); Ng, Chun (Perkins Coie); PerkinsServiceBradiumIPR@perkinscoie.com
Subject: RE: IPR2016-01897: deposition of Yonatan Lavi and Bradium witnesses

Dear Evan,

We're still considering your request and expect to respond to you on Monday.

Best regards,
Chris

From: Day, Evan S. (Perkins Coie) [mailto:EDay@perkinscoie.com]
Sent: Friday, July 07, 2017 5:08 PM
To: Coulson, Chris; Zachary, Michael; Ulrich, Clifford
Cc: Bernstein, Matthew C. (Perkins Coie); Ng, Chun (Perkins Coie); PerkinsServiceBradiumIPR@perkinscoie.com
Subject: RE: IPR2016-01897: deposition of Yonatan Lavi and Bradium witnesses

Counsel,

Please advise whether Bradium will provide the information requested below today, as it previously indicated that it would.

Regards,
Evan

Evan Day | Perkins Coie LLP
COUNSEL

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E. EDay@perkinscoie.com

From: Day, Evan S. (SDO)
Sent: Monday, July 03, 2017 10:24 AM
To: 'Coulson, Chris'; Zachary, Michael; Ulrich, Clifford
Cc: Bernstein, Matthew C. (SDO); Ng, Chun (SEA); *Perkins-Service-MSFT-Bradium-IPR
Subject: RE: IPR2016-01897: deposition of Yonatan Lavi and Bradium witnesses

Chris,

In your email below, you argued that “it would appear to be premature to conclude that Mr. Lavi’s testimony would be relevant or helpful to the Board,” but stated that Bradium would “provide an update on this issue on or before July 7” if the time for Bradium to file a Patent Owner Response were extended. Microsoft believes that Mr. Lavi’s testimony may be relevant to several issues in this proceeding. Therefore, on or before July 7, please respond to indicate whether Bradium is still considering providing or has not affirmatively ruled out providing any of the following:

- Any testimony from Mr. Levanon
- Any arguments or evidence regarding alleged secondary indicia of non-obviousness
- Any arguments or evidence regarding alleged inventive activity prior to the effective filing date

Regards,
Evan

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From: Coulson, Chris [<mailto:CCoulson@andrewskurthkenyon.com>]
Sent: Sunday, June 25, 2017 8:34 AM
To: Day, Evan S. (SDO); Zachary, Michael; Ulrich, Clifford
Cc: Bernstein, Matthew C. (SDO); Ng, Chun (SEA); *Perkins-Service-MSFT-Bradium-IPR
Subject: RE: IPR2016-01897: deposition of Yonatan Lavi and Bradium witnesses

Dear Evan,

Regarding the IPR2016-01897, we propose that the schedule be adjusted as follows:

	Current	Adjusted
DUE DATE 1	July 7, 2017	August 1, 2017
DUE DATE 2	October 9, 2017	November 3, 2017

Because the Board is expected to provide the parties guidance regarding IPR2016-00448, and 449 on or about the 25th and 27th of July, this extension would allow the parties to frame this issues in the IPR2016-01897 in a manner that would be most helpful to the Board. Please let us know if this is agreeable to Microsoft:

Regarding Mr. Lavi, Bradium has not yet determined whether and in what respect it will raise secondary considerations of non-obviousness in IPR2016-01897. Therefore, it would appear to be premature to conclude that Mr. Lavi’s testimony would be relevant or helpful to the Board. We can provide an update on this issue on or before July 7 so that Microsoft can understand Bradium’s posture and the parties can discuss how best to move forward

Best regards,

Chris J. Coulson
Associate

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From: Day, Evan S. (Perkins Coie) [<mailto:EDay@perkinscoie.com>]
Sent: Tuesday, June 20, 2017 2:07 PM
To: Coulson, Chris; Zachary, Michael; Ulrich, Clifford
Cc: Bernstein, Matthew C. (Perkins Coie); Ng, Chun (Perkins Coie); PerkinsServiceBradiumIPR@perkinscoie.com
Subject: IPR2016-01897: deposition of Yonatan Lavi and Bradium witnesses

Counsel,

Microsoft hereby provides notice that it intends to seek authorization from the Board to request a deposition of Yonatan Lavi through the Hague Convention. As you know, Mr. Lavi is a co-inventor on the 239 patent, was the primary technical lead on 3DVU products Bradium claims embody its patents, and Mr. Lavi also has knowledge regarding the invention and scope of the 239 patent claims. Please advise us by the end of the week whether you will oppose this request. If we do not hear from you by then, we will advise the Board on Monday that you oppose.

Additionally, although this should go without saying, it is likely that Microsoft will request depositions of any expert or non-expert witnesses whose testimony Bradium chooses to submit in support of its Patent Owner Response. Accordingly, Microsoft requests that Bradium check deposition availability now for any witnesses whose testimony it intends to submit. Microsoft is generally available for most of August and the first half of September. Microsoft provides this notice now so Bradium has ample time to confirm witness availability and does not limit witness availability until the end of the discovery period.

Regards,
Evan

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