
From: Jack Shaw <JShaw@kasowitz.com>
Sent: Wednesday, March 11, 2020 5:29 PM
To: Jensen, Travis; Heather Kim; Mark Mann (mark@TheMannFirm.com); atindel@andytindel.com; Fintiv; Jonathan K. Waldrop; Rodney R. Miller; Daniel C. Miller; Sheri Peterson; Darcy L. Jones
Cc: Apple-Fintiv_OHS; Frost, Claudia; JR.Johnson@kellyhart.com; Steve Ravel
Subject: RE: Fintiv v. Apple, Case No. 1:19-cv-01238-ADA - Infringement Contention Deficiencies

Travis,

Given what has transpired so far and the fluid nature of the coronavirus as you noted, the March 17 date that Fintiv had in good faith previously proposed to amend its infringement contentions is no longer workable.

The proposed March 17 date was based upon Fintiv's expert and counsel having completed a 2-day source code inspection on the dates originally confirmed, and with a reasonable amount of time thereafter to finalize its amended infringement contentions post inspection. Given the mutually unforeseen delay in Fintiv's ability to complete the 2-day source code inspection, the March 17 date is just no longer feasible at this point.

However, Fintiv will agree to serve its amended infringement contentions within three business days after a 2-day source code inspection is completed. Further, per Mr. Kesden's request, we would like to request that Fintiv's inspection of the source code go forward next Monday and Tuesday (March 16 and 17) instead of having to split Mr. Kesden's inspection into this Thursday and next Monday given the large time gap in between those dates. Please let us know if these new proposed source code inspection dates work for Orrick.

Many thanks.

Jack

From: Jensen, Travis [mailto:tjensen@orrick.com]
Sent: Thursday, March 5, 2020 3:14 PM
To: Jack Shaw <JShaw@kasowitz.com>; Heather Kim <HKim@kasowitz.com>; Mark Mann (mark@TheMannFirm.com) <mark@themannfirm.com>; atindel@andytindel.com; Fintiv <Fintiv@kasowitz.com>; Jonathan K. Waldrop <JWaldrop@kasowitz.com>; Rodney R. Miller <RMiller@kasowitz.com>; Daniel C. Miller <DCMiller@kasowitz.com>; Sheri Peterson <speterson@andytindel.com>; Darcy L. Jones <DJones@kasowitz.com>
Cc: Apple-Fintiv_OHS <Apple-Fintiv_OHS@orrick.com>; Frost, Claudia <cfrost@orrick.com>; JR.Johnson@kellyhart.com; Steve Ravel <steve.ravel@kellyhart.com>
Subject: RE: Fintiv v. Apple, Case No. 1:19-cv-01238-ADA - Infringement Contention Deficiencies

Counsel,

As a summary of our meet and confer this afternoon, Fintiv agreed to amend its infringement contentions by March 17 to address the issues raised in our letter of February 14. Thanks, Travis

-----Original Message-----

1

From: Jack Shaw <JShaw@kasowitz.com>
Sent: Tuesday, March 03, 2020 6:41 PM
To: Jensen, Travis <tjensen@orrick.com>; Heather Kim <HKim@kasowitz.com>; Mark Mann (mark@TheMannFirm.com) <mark@themannfirm.com>; atindel@andytindel.com; Fintiv <Fintiv@kasowitz.com>; Jonathan K. Waldrop <JWaldrop@kasowitz.com>; Rodney R. Miller <RMiller@kasowitz.com>; Daniel C. Miller <DCMiller@kasowitz.com>; Sheri Peterson <speterson@andytindel.com>; Darcy L. Jones <DJones@kasowitz.com>
Cc: Apple-Fintiv_OHS <Apple-Fintiv_OHS@orrick.com>; Frost, Claudia <cfrost@orrick.com>; JR.Johnson@kellyhart.com; Steve Ravel <steve.ravel@kellyhart.com>
Subject: RE: Fintiv v. Apple, Case No. 1:19-cv-01238-ADA - Infringement Contention Deficiencies

Hi Travis - let's do 2:30 PM (Pacific Time) this Thursday.

Many thanks,

Jack

----- Original message -----

From: "Jensen, Travis" <tjensen@orrick.com>
Date: 3/2/20 5:36 PM (GMT-06:00)
To: Jack Shaw <JShaw@kasowitz.com>, Heather Kim <HKim@kasowitz.com>, "Mark Mann (mark@TheMannFirm.com)" <mark@themannfirm.com>, atindel@andytindel.com, Fintiv <Fintiv@kasowitz.com>, "Jonathan K. Waldrop" <JWaldrop@kasowitz.com>, "Rodney R. Miller" <RMiller@kasowitz.com>, "Daniel C. Miller" <DCMiller@kasowitz.com>, Sheri Peterson <speterson@andytindel.com>, "Darcy L. Jones" <DJones@kasowitz.com>
Cc: Apple-Fintiv_OHS <Apple-Fintiv_OHS@orrick.com>, "Frost, Claudia" <cfrost@orrick.com>, JR.Johnson@kellyhart.com, Steve Ravel <steve.ravel@kellyhart.com>
Subject: RE: Fintiv v. Apple, Case No. 1:19-cv-01238-ADA - Infringement Contention Deficiencies

Jack,

Apple is available Thursday before 3pm PT. Please confirm what time works for Fintiv so we can get a calendar invite sent. Thanks, Travis

-----Original Message-----

From: Jack Shaw <JShaw@kasowitz.com>
Sent: Sunday, March 01, 2020 2:36 PM
To: Jensen, Travis <tjensen@orrick.com>; Heather Kim <HKim@kasowitz.com>; Mark Mann (mark@TheMannFirm.com) <mark@themannfirm.com>; atindel@andytindel.com; Fintiv <Fintiv@kasowitz.com>; Jonathan K. Waldrop <JWaldrop@kasowitz.com>; Rodney R. Miller <RMiller@kasowitz.com>; Daniel C. Miller <DCMiller@kasowitz.com>; Sheri Peterson <speterson@andytindel.com>; Darcy L. Jones <DJones@kasowitz.com>
Cc: Apple-Fintiv_OHS <Apple-Fintiv_OHS@orrick.com>; Frost, Claudia <cfrost@orrick.com>; JR.Johnson@kellyhart.com; Steve Ravel <steve.ravel@kellyhart.com>
Subject: RE: Fintiv v. Apple, Case No. 1:19-cv-01238-ADA - Infringement Contention Deficiencies

Hi Travis - lead counsel for Fintiv is traveling and will be unavailable. Please advise what time you will be available on Thursday.

Regards,

Jaxk

----- Original message -----

From: "Jensen, Travis" <tjensen@orrick.com>

Date: 2/28/20 12:27 PM (GMT-08:00)

To: Jack Shaw <JShaw@kasowitz.com>, Heather Kim <HKim@kasowitz.com>, "Mark Mann (mark@TheMannFirm.com)" <mark@themannfirm.com>, atindel@andytindel.com, Fintiv <Fintiv@kasowitz.com>, "Jonathan K. Waldrop" <JWaldrop@kasowitz.com>, "Rodney R. Miller" <RMiller@kasowitz.com>, "Daniel C. Miller" <DCMiller@kasowitz.com>, Sheri Peterson <speterson@andytindel.com>, "Darcy L. Jones" <DJones@kasowitz.com>

Cc: Apple-Fintiv_OHS <Apple-Fintiv_OHS@orrick.com>, "Frost, Claudia" <cfrost@orrick.com>, JR.Johnson@kellyhart.com, Steve Ravel <steve.ravel@kellyhart.com>

Subject: RE: Fintiv v. Apple, Case No. 1:19-cv-01238-ADA - Infringement Contention Deficiencies

Jack,

Is there anyone on your team that could meet and confer between 10am-4pm PT on Monday? We sent our letter more than two weeks ago and need to move this issue forward without waiting another week. Thanks, Travis

-----Original Message-----

From: Jack Shaw <JShaw@kasowitz.com>

Sent: Friday, February 28, 2020 1:00 PM

To: Jensen, Travis <tjensen@orrick.com>; Heather Kim <HKim@kasowitz.com>; Mark Mann (mark@TheMannFirm.com) <mark@themannfirm.com>; atindel@andytindel.com; Fintiv <Fintiv@kasowitz.com>; Jonathan K. Waldrop <JWaldrop@kasowitz.com>; Rodney R. Miller <RMiller@kasowitz.com>; Daniel C. Miller <DCMiller@kasowitz.com>; Sheri Peterson <speterson@andytindel.com>; Darcy L. Jones <DJones@kasowitz.com>

Cc: Apple-Fintiv_OHS <Apple-Fintiv_OHS@orrick.com>; Frost, Claudia <cfrost@orrick.com>; JR.Johnson@kellyhart.com; Steve Ravel <steve.ravel@kellyhart.com>

Subject: RE: Fintiv v. Apple, Case No. 1:19-cv-01238-ADA - Infringement Contention Deficiencies

Hi Travis - We can meet and confer on Thursday. Please let us when your team is available.

Best,

Jack

Jack Shaw

Kasowitz Benson Torres LLP

333 Twin Dolphin Drive, Suite 200

Redwood Shores, CA 94065

Tel. (650) 453-5410

Fax. (650) 429-2085

JShaw@kasowitz.com

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From: "Jensen, Travis" <tjensen@orrick.com>

Date: 2/27/20 2:18 PM (GMT-08:00)

To: Heather Kim <HKim@kasowitz.com>, "Mark Mann (mark@TheMannFirm.com)"

<mark@themannfirm.com>, atindel@andytindel.com, Fintiv <Fintiv@kasowitz.com>, Heather Kim <HKim@kasowitz.com>, atindel@andytindel.com, "Jonathan K. Waldrop" <JWaldrop@kasowitz.com>, "Rodney R. Miller" <RMiller@kasowitz.com>, "Daniel C. Miller" <DCMiller@kasowitz.com>, "Mark Mann (mark@TheMannFirm.com)" <mark@TheMannFirm.com>, Fintiv <Fintiv@kasowitz.com>, Sheri Peterson <speterson@andytindel.com>, Jack Shaw <JShaw@kasowitz.com>, "Darcy L. Jones" <DJones@kasowitz.com>

Cc: Apple-Fintiv_OHS <Apple-Fintiv_OHS@orrick.com>, "Frost, Claudia" <cfrost@orrick.com>, JR.Johnson@kellyhart.com, Steve Ravel <steve.ravel@kellyhart.com>

Subject: RE: Fintiv v. Apple, Case No. 1:19-cv-01238-ADA - Infringement Contention Deficiencies

EXTERNAL EMAIL

Counsel,

We have not received a response to our infringement contention deficiency letter (reattached here) sent nearly two weeks ago. The letter requested that Fintiv supplement its contentions by Feb. 26. Please provide your availability to meet and confer on this issues raised in the letter on Monday (March 2) between 10am-6pm PT. Thanks, Travis

From: Jensen, Travis

Sent: Friday, February 14, 2020 9:53 PM

To: 'Heather Kim' <HKim@kasowitz.com>; 'Mark Mann (mark@TheMannFirm.com)' <mark@themannfirm.com>; atindel@andytindel.com; 'Fintiv' <Fintiv@kasowitz.com>; 'Heather Kim' <HKim@kasowitz.com>; atindel@andytindel.com; 'Jonathan K. Waldrop' <JWaldrop@kasowitz.com>; 'Rodney R. Miller' <RMiller@kasowitz.com>; 'Daniel C. Miller' <DCMiller@kasowitz.com>; 'Mark Mann (mark@TheMannFirm.com)' <mark@TheMannFirm.com>; 'Fintiv' <Fintiv@kasowitz.com>; 'Sheri Peterson' <speterson@andytindel.com>; Jack Shaw <JShaw@kasowitz.com>; Darcy L. Jones <DJones@kasowitz.com>

Cc: Apple-Fintiv_OHS <Apple-Fintiv_OHS@orrick.com>; Frost, Claudia <cfrost@orrick.com>; 'JR.Johnson@kellyhart.com' <JR.Johnson@kellyhart.com>; 'Steve Ravel' <steve.ravel@kellyhart.com>

Subject: Fintiv v. Apple, Case No. 1:19-cv-01238-ADA - Infringement Contention Deficiencies

Counsel,

Please see the attached correspondence regarding deficiencies in Fintiv's Final Infringement Contentions. Thanks, Travis Travis M. Jensen<<http://www.orrick.com/Lawyers/Travis-Jensen/Pages><<http://www.orrick.com/Lawyers/Travis-Jensen/Pages>><<http://www.orrick.com/Lawyers/Travis-Jensen/Pages>>>>

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