

# EXHIBIT 17

**From:** Ameet Modi  
**To:** Messing, Alessandra C.; Kerri-Ann Limbeek  
**Cc:** Rubino, Vincent J.; D'Aquila, Danielle; Apple AGIS Service; Melissa Smith; AGIS-Lit  
**Subject:** RE: AGIS v. Apple - 30(b)(6) Notice  
**Date:** Thursday, August 9, 2018 6:16:42 PM

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Alessandra,

Thanks for following up. None of the individuals listed in your email is an Apple employee. Mr. Siegel has been retained as an expert consultant in this matter, but my firm will accept service of a subpoena directed to him for the purpose of providing factual testimony with respect to the functionality and public availability of the FBCB2 prior art system and its predecessor systems.

Apple has not made any final determinations on who it will or will not call at trial in this matter. Apple will make those disclosures consistent with the Court's scheduling order. Likewise, to the extent Apple serves subpoenas on any of the individuals listed in your email, we will of course provide appropriate notice to AGIS, consistent with the Federal Rules of Civil Procedure.

Regards,  
Ameet

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**From:** Messing, Alessandra C. <AMessing@brownrudnick.com>  
**Sent:** Thursday, August 9, 2018 7:34 AM  
**To:** Ameet Modi <AModi@desmaraisllp.com>; Kerri-Ann Limbeek <KLimbeek@desmaraisllp.com>  
**Cc:** Rubino, Vincent J. <VRubino@brownrudnick.com>; D'Aquila, Danielle <DD'Aquila@brownrudnick.com>; Apple AGIS Service <AppleAGISService@desmaraisllp.com>; Melissa Smith <melissa@gillamsmithlaw.com>; AGIS-Lit <agislit@brownrudnick.com>  
**Subject:** RE: AGIS v. Apple - 30(b)(6) Notice

Ameet, Kerri-Ann,

We have not heard back regarding the additional deposition witnesses discussed in my email below sent on August 2. AGIS is requesting this information so it has a fair opportunity to depose the individuals Apple intends to present for trial testimony during the fact discovery period. Please respond by COB today so we have sufficient time to make any necessary arrangements.

Thanks,  
Alessandra



**Alessandra Carcaterra Messing**  
Counselor at Law

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**From:** Messing, Alessandra C.  
**Sent:** Thursday, August 02, 2018 4:00 PM  
**To:** 'Kerri-Ann Limbeek'  
**Cc:** Rubino, Vincent J.; D'Aquila, Danielle; Apple AGIS Service; Melissa Smith; AGIS-Lit  
**Subject:** RE: AGIS v. Apple - 30(b)(6) Notice

Kerri-Ann,

We are working to secure deposition locations in either San Jose or Redwood City and will confirm as soon as possible.

For the following individuals identified in Apple's Second Amended Initial and Additional Disclosures, please inform us by next Wednesday, August 8, 2018, whether Apple is in control of each individual, intends to present testimony of said individual at trial, and will accept service of a deposition notice: Daniel J. Burns, Joann J. Ordille, Thomas A. Petsche, John Roujinsky, Lawrence R. Sweeney, James D. Maloy, Claudine Astorri, Linda Boyle, Marcellino Tanumihardja, Gregory A. Brown, Steven L. Zimmers, Daniel W. David, Samuel H. Altman, Nicholas T. Sivo, Richard D. Haney, Joseph F. Karam, Ronald Leon Poulin, Kevin Thomas Buckham, Anthony Luigi Melli, Karon A. Weber, Jonathan Trevor, Edward Ho, Samantha Tripodi, Kulbir S. Sandhu, Roderic C. Fan, David Mleczo, Kenny Nguyen, Carey Fan, Michael A. Sheha, Angie Sheha, Stephen Petilli, Aaron T. Emigh, James A. Roskind, William Griswold, and Neil Gilbert Siegel.

Alternatively, please let us know if Apple intends to serve subpoenas on any of these individuals. To the extent there are any third parties identified in Apple's Second Amended Initial and Additional Disclosures and not listed above, please provide the requested information. To the extent that Apple intends to present at trial any witnesses not listed in this correspondence, identified in its Second Amended Initial and Additional Disclosures, or designated as Apple corporate witnesses pursuant to Rule 30(b)(6), we request that you identify such individuals no later than Wednesday, August 8, 2018.

Thanks,  
Alessandra



**Alessandra Carcaterra Messing**  
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**From:** Kerri-Ann Limbeek [<mailto:KLimbeek@desmaraisllp.com>]  
**Sent:** Wednesday, August 01, 2018 5:53 PM  
**To:** Messing, Alessandra C.  
**Cc:** Rubino, Vincent J.; D'Aquila, Danielle; Apple AGIS Service; Melissa Smith; AGIS-Lit  
**Subject:** RE: AGIS v. Apple - 30(b)(6) Notice

Counsel,

Please see the attached correspondence regarding depositions.

Regards,  
Kerri-Ann

**Kerri-Ann Limbeek**

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D: (212) 808-2962 | E: [klimbeek@desmaraisllp.com](mailto:klimbeek@desmaraisllp.com)

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**From:** Messing, Alessandra C. <[AMessing@brownrudnick.com](mailto:AMessing@brownrudnick.com)>  
**Sent:** Tuesday, July 31, 2018 8:03 PM  
**To:** Kerri-Ann Limbeek <[KLimbeek@desmaraisllp.com](mailto:KLimbeek@desmaraisllp.com)>  
**Cc:** Rubino, Vincent J. <[VRubino@brownrudnick.com](mailto:VRubino@brownrudnick.com)>; D'Aquila, Danielle <[DD'Aquila@brownrudnick.com](mailto:DD'Aquila@brownrudnick.com)>; Apple AGIS Service <[AppleAGISService@desmaraisllp.com](mailto:AppleAGISService@desmaraisllp.com)>; Melissa Smith <[melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)>; AGIS-Lit <[agislit@brownrudnick.com](mailto:agislit@brownrudnick.com)>  
**Subject:** RE: AGIS v. Apple - 30(b)(6) Notice

Kerri-Ann,

AGIS accepts Aug 21 for Mr. Krasts's deposition.

Thanks,  
Alessandra



**Alessandra Carcaterra Messing**  
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**From:** Kerri-Ann Limbeek [<mailto:KLimbeek@desmaraisllp.com>]  
**Sent:** Friday, July 27, 2018 6:04 PM  
**To:** Messing, Alessandra C.  
**Cc:** Rubino, Vincent J.; D'Aquila, Danielle; Apple AGIS Service; Melissa Smith; AGIS-Lit  
**Subject:** RE: AGIS v. Apple - 30(b)(6) Notice

Alessandra,

Evan Krasts is available to be deposed on August 21, 2018 in or around Cupertino, CA. Here is a list of the topics for which he is designated: 40-43, 53-54 (with respect to marketing, promotion, and advertisement), 60-62, and 71-72 (with respect to the topics for which he is designated).

Please confirm that date and provide a location for the deposition.

Thanks,  
Kerri-Ann

**Kerri-Ann Limbeek**

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D: (212) 808-2962 | E: [klimbeek@desmaraisllp.com](mailto:klimbeek@desmaraisllp.com)

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**From:** Kerri-Ann Limbeek  
**Sent:** Wednesday, July 25, 2018 12:29 PM  
**To:** 'Messing, Alessandra C.' <[AMessing@brownrudnick.com](mailto:AMessing@brownrudnick.com)>  
**Cc:** Rubino, Vincent J. <[VRubino@brownrudnick.com](mailto:VRubino@brownrudnick.com)>; D'Aquila, Danielle <[DD'Aquila@brownrudnick.com](mailto:DD'Aquila@brownrudnick.com)>; Apple AGIS Service <[AppleAGISService@desmaraisllp.com](mailto:AppleAGISService@desmaraisllp.com)>; Melissa Smith <[melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)>; AGIS-Lit <[agislit@brownrudnick.com](mailto:agislit@brownrudnick.com)>  
**Subject:** RE: AGIS v. Apple - 30(b)(6) Notice

Alessandra,

We confirm that we will be designating one or more witnesses for topics 40-43 and 60-62, subject to Apple's objections. That witness will be Evan Krasts, and he will be available for deposition in or near Cupertino, California. Mr. Krasts will also be designated for topics 53-54 (with respect to marketing, promotion, and advertisement), and 71-72 (with respect to the topics for which he is designated). We are in the process of confirming Mr. Krasts's availability for deposition within the dates you have indicated a preference, and we will do our best to confirm his availability by the end of this week.

With respect to topics 37, 38, 44, and 49, as we stated on the meet-and-confer, Apple has already designated one or more witnesses to testify in response to numerous other topics concerning the design, development, distribution, and/or importation of the accused software features, and the marketing of the accused software features. On the meet and confer, you were unable to provide any information about what non-cumulative testimony AGIS is seeking with respect to topics 37, 38, 44, and 49, how that testimony would be relevant to this case, or how any relevance would outweigh the substantial undue hardship on Apple of preparing witnesses to testify on those topics concerning each of the nearly 100 hardware "Accused Products" or "each and every hardware portion of the Apple Accused Servers." On those bases, Apple stands by its objections, and based on our call we understand AGIS will not pursue these topics. If that is not correct, and if AGIS is willing to narrow these topics, we are willing to further discuss.

We appreciate AGIS's willingness to tentatively withdraw topics 48, 51, 52, or 57. We have asked AGIS to explain how those topics are relevant and not cumulative of AGIS's other discovery requests, including topics for which Apple has already designated one or more witnesses to testify, and we can be available if AGIS intends to move forward on those topics.

Regards,  
Kerri-Ann

**Kerri-Ann Limbeek**

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**From:** Messing, Alessandra C. <[AMessing@brownrudnick.com](mailto:AMessing@brownrudnick.com)>  
**Sent:** Tuesday, July 24, 2018 4:36 PM  
**To:** Kerri-Ann Limbeek <[KLimbeek@desmaraisllp.com](mailto:KLimbeek@desmaraisllp.com)>  
**Cc:** Rubino, Vincent J. <[VRubino@brownrudnick.com](mailto:VRubino@brownrudnick.com)>; D'Aquila, Danielle <[DD'Aquila@brownrudnick.com](mailto:DD'Aquila@brownrudnick.com)>; Apple AGIS Service <[AppleAGISService@desmaraisllp.com](mailto:AppleAGISService@desmaraisllp.com)>; Melissa Smith <[melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)>; AGIS-Lit <[agislit@brownrudnick.com](mailto:agislit@brownrudnick.com)>  
**Subject:** RE: AGIS v. Apple - 30(b)(6) Notice

Kerri-Ann,

Thanks for speaking with me and accommodating the time change. Our understanding is that Apple will be designating a witness for Topic Nos. 40-43 and 60-61. Please identify the witness and propose a deposition date for these topics by the end of the week. Please also clarify whether Apple will designate a witness to testify regarding Topic No. 62.

Regarding Topic Nos. 37, 38, 44, and 49, our understanding of Apple's position is that testimony responsive to these topics, as it pertains to the accused technology, is already covered by other topics and that testimony related to hardware is not relevant. Apple is standing on its objections that documents, information, and testimony related to hardware is irrelevant and unduly burdensome. Please confirm.

Regarding Topic Nos. 48, 51, 52 and 57, AGIS is willing to tentatively withdraw these topics dependent upon how facts develop at the

depositions and contingent upon Apple's agreement not to use information related to components in support of any of its claims or defenses.

I will provide an update as to timing on production of source code and AGIS's supplemental interrogatory responses as soon as possible.

Thanks,  
Alessandra



**Alessandra Carcaterra Messing**  
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**From:** Messing, Alessandra C.  
**Sent:** Tuesday, July 24, 2018 1:52 PM  
**To:** Kerri-Ann Limbeek  
**Cc:** Rubino, Vincent J.; D'Aquila, Danielle; Apple AGIS Service; Melissa Smith; AGIS-Lit  
**Subject:** RE: AGIS v. Apple - 30(b)(6) Notice

Kerri-Ann,

I apologize that was my scheduling mix-up. I am available any time today until 4 pm or tomorrow starting at noon.

Thanks,  
Alessandra



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**From:** Kerri-Ann Limbeek [<mailto:KLimbeek@desmaraisllp.com>]  
**Sent:** Tuesday, July 24, 2018 1:50 PM  
**To:** Messing, Alessandra C.  
**Cc:** Rubino, Vincent J.; D'Aquila, Danielle; Apple AGIS Service; Melissa Smith; AGIS-Lit  
**Subject:** RE: AGIS v. Apple - 30(b)(6) Notice

Alessandra,

We waited on the line for 15 minutes and no one on your team joined. Please let us know what the issue was and whether you can reschedule.

Regards,  
Kerri-Ann

**Kerri-Ann Limbeek**  
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**From:** Kerri-Ann Limbeek  
**Sent:** Tuesday, July 24, 2018 1:35 PM  
**To:** Messing, Alessandra C. <[AMessing@brownrudnick.com](mailto:AMessing@brownrudnick.com)>  
**Cc:** Rubino, Vincent J. <[VRubino@brownrudnick.com](mailto:VRubino@brownrudnick.com)>; D'Aquila, Danielle <[DD'Aquila@brownrudnick.com](mailto:DD'Aquila@brownrudnick.com)>; Apple AGIS Service <[AppleAGISService@desmaraisllp.com](mailto:AppleAGISService@desmaraisllp.com)>; Melissa Smith <[melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)>; AGIS-Lit <[agislit@brownrudnick.com](mailto:agislit@brownrudnick.com)>  
**Subject:** RE: AGIS v. Apple - 30(b)(6) Notice

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