# EXHIBIT 16

Bombach, Miguel J. (SDO)

Remain\_Matthew.C.(SDD): http://lames.(SDD): Canavera\_Kyle Ryan (SDD): bcraft@findleycraft.com; efindley@findleycraft.com; "Perkins Service HTC-AGIS; AGIS-Lift Rec AGIS-HTC's source code Trustays, October O., 2018 1042-11 AM

We are disappointed that you would not extend the professional courtesy of expediting Mr. Vijh's clearance.

Omid Kia will review the code on October 3rd (and October 4th if necessary to review code for "dozens of accused products"). You raised no objection to his disclosure in August.

Since we notified you of our intention to use source code to examine the witness in advance of 3 days before of the 10/5 deposition, you are correct in that HTC (as the producing party) may choose to bring a

Regardless of which option you elect for Friday, the production purportedly consists of HTC's own source code which (by your own repeated admissions) has been set aside as relevant to this case "for over fourth months." So not only is this HTC's code, but HTC knows specifically about its relevance to this case and has known about it for "nearly half a year." There is simply no excuse for HTC's corporate designee on technical topics to lack the knowledge and preparation necessary to testify about HTC's own source code, and we expect that the witness will be prepared to offer meaningful and substantive testimony to that end.

From: "mbombach@perkinscoie.com" <MBombach@perkinscoie.com> Date: Tuesday, October 2, 2018 at 11:37 PM To: "Iturralde, Enrique W." <Elturralde@brownrudnick.com>

Cc: "MBernstein@perkinscoie.com" <MBernstein@perkinscoie.com", lames Hurt <JHurt@perkinscoie.com", "kcanavera@perkinscoie.com" <KCanavera@perkinscoie.com", "beraft@findlaycraft.com" <braft@findlaycraft.com", "efindlay@findlaycraft.com", "PerkinsServiceHTC-AGIS@perkinscoie.com" <PerkinsServiceHTC-AGIS@perkinscoie.com", AGIS-Lit agislit@brownrudnick.com

Subject: RE: AGIS - HTC's source code

On October 1st, for the first time AGIS identified Mr. Vijh as an expert in this case. Prior to that date, AGIS had not disclosed him to HTC nor provided a copy of his CV, nor had Mr. Vijh signed an undertaking to be bound by the protective order in this case as evidenced by the October 1, 2018 date on his undertaking. Plainly put, prior to October 1st, we had no idea who Mr. Vijh was or that AGIS was attempting to us

As you know, the Protective Order unequivocally states at paragraph 11(e) that HTC has seven days to raise an objection to any expert disclosed by AGIS. Your request that HTC immediately approve of Mr. Vijh under the protective order is both unreasonable and inappropriate, especially where Mr. Vijah would be given access to HTC's highly confidential source code. HTC cannot put its source code at risk in such a manner, and it will take the time to review Mr. Vijay. It is unclear to us why AGIS waited until now to review code that's been available for over four months, or why AGIS waited until this week to disclose Mr. Vijah, but HTC's cannot be prejudiced by AGIS' tactical decisions. Until HTC completes its review of Mr. Vijah, but HTC cannot allow him to review its source code. However, we have no problem with a Brown Rudnick attorney reviewing the code on October 3rd, and the code will still be made available on that day. Please let us know if somebody from your office wants to review it.

Regarding the use of source code at deposition, the Protective Order in this case does not require that a source code computer be made available at any deposition as your email implies. Paragraph 16(n) states HTC can provide printed copies of selected source code files if it so chooses. Again, HTC made its source code available on May 16th. AGIS chose not to review that code. AGIS did not even request review of the code until October 2nd (local Taiwan time), on the eve of the depositions—depositions that had been scheduled for over a month. Under these circumstances, having HTC load source code for dozens of accused products onto a source code computer is not reasonable, and HTC will not do it. However, should the Brown Rudnick attorney reviewing the source code at Perkins' San Diego office on October 3rd identify lines of code, we would make every effort to have printed copies of that code available at the deposition on October 5th. Of course, AGIS's last minute conduct means the witness will not be able to review or otherwise prepare to testify on the lines of code given he will not have an opportunity to see it before the deposition because of AGIS's delay. This problem is solely of AGIS's making, and HTC will not be prejudiced by AGIS's dilatory conduct.

### Regards, Miguel

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E. MBombach@perkinscoie.com<mailto:%20MBombach@perkinscoie.com>

From: Iturralde, Enrique W. <Elturralde@brownrudnick.com> Sent: Tuesday, October 02, 2018 1:41 AM To: Bombach, Miguel J. (SDO) <MBombach@perkinscoie.com>

Cc: Bernstein, Matthew C. (SDO) <MBernstein@perkinscoie.com>; Hurt, James (SDO) <JHurt@perkinscoie.com>; Canavera, Kyle Ryan (SDO) <KCanavera@perkinscoie.com>; bcraft@findlaycraft.com; efindlay@findlaycraft.com; \*Perkins Service HTC-AGIS <PerkinsServiceHTC-AGIS@perkinscoie.com>; AGIS-Lit <agislit@brownrudnick.com> Subject: Re: AGIS - HTC's source code

As promised, I am confirming that Rahul Vijh will be reviewing the code at 10 AM PT on Wednesday 10/3. Given our process through the three steps of consolidation (pre-consolidation, consolidation, and unconsolidation) and with numerous POs floating around, I want to make sure Rahul is cleared for this case. So I have attached Mr. Vijh's CV and signed undertakings for this and previous cases. Mr. Vijh does deposition testimony in the following matter which is listed in greater detail in his CV: Plano Encryption Technologies, LLC v. Alkami Technology, Inc., 2:16-cv-01032, EDTX (Lead Case). Please confirm that you do not object to Mr. Vijh has dof Wednesday's review.

In previous discussions, you asked me to let you know if we expected overlap of any of the two depositions. In order to facilitate logistics on your end, I am confirming that we will not overlap and that we will take the depositions consecutively. We also withdraw our request that you reconfigure the depositions; we will accept the schedule as is. Of course, we reserve our right to recall any of the witnesses if we need the full seven hours and the circumstances do not permit the full seven hours.

From: "Iturralde, Enrique W." <EIturralde@brownrudnick.com<mailto:EIturralde@brownrudnick.com>>>

Date: Tuesday, October 2, 2018 at 12:27 PM

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Subject: Re: AGIS - HTC's source code

## Miguel,

Thank you for reverting to us quickly and letting us know tonight about the source code computer's availability.

Please also bring a source code computer to the technical witness's deposition, and confirm that the witness testifying to the source code will be Mr. Steven Teng.

Given the time, I will follow up Tuesday morning/afternoon with a confirmation for Mr. Rahul Vijh's expected arrival time at your San Diego office on Wednesday, October 3rd.

Thanks

Enrique



From: "Iturralde, Enrique W." <EIturralde@brownrudnick.com<mailto:EIturralde@brownrudnick.com

Date: Monday, October 1, 2018 at 11:56 PM

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Buried in a May 16th correspondence about HTC's discovery deficiencies, we received a vague statement concerning source code which would be made available at a future date for an initial inspection. We were diligent in requesting an update from Miguel (and you were copied on the July 28 e-mail below) about the availability of the source code. We received no response from you and your team. Whether it's oversight or gamesmanship on your part, I propose that we move the ball forward without the documenting/etc.

By the looks of your e-mail below, it appears that the source code is available for review. Please confirm immediately that you will host the source code inspection at Perkins Coie's San Diego office starting on Wednesday, October 3, 2018 starting at 10 AM PT. For your security list, our source code reviewer is Rahul Vijh.

Enrique

From: "MBernstein@perkinscoie.com<mailto:MBernstein@perkinscoie.com>"<MBernstein@perkinscoie.com<mailto:MBernstein@perkinscoie.com>>
Date: Monday, October 1, 2018 at 10:33 PM
To: "Iturralde, Enrique W." <EIturralde@brownrudnick.com<mailto:Elturralde@brownrudnick.com>>

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Resend your email making the code available. And also every other email or letter where we mentioned it. Document the crap out of their bullshit. And then lay into them for playing games and otherwise being Sent from my mobile device

Matthew Bernstein | Perkins Coie LLP SAN DIEGO MANAGING PARTNER TAIPEI CO-MANAGING PARTNER 11988 El Camino Real Suite 350 San Diego, CA 92130-2594 D. 1.858.720.5721 M. 1.619.254.3273 F. 1.858.720.5821

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On Oct 1, 2018, at 10:02 PM, Iturralde, Enrique W. < Elturralde@brownrudnick.com</br>
mailto:Elturralde@brownrudnick.com

Miguel.

We did not receive any response to the below e-mail or any update about the availability of HTC source code. Please confirm that HTC no longer intends to produce any source code in this case.

Enrique

From: "Iturralde, Enrique W." < Elturralde@brownrudnick.com < mailto: Elturralde@brownrudnick.com < mailto:

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Subject: AGIS - HTC's source code

Your May 16, 2018 letter states that "HTC Corp. will lay make its source code for its phones available for inspection." However, we have not received any further updates regarding the status of HTC's source code production. Please let us know when HTC's source code (for all HTC Accused Products) becomes available for inspection at either one of Perkins Coie's NYC or DC offices.

Enrique

[http://www.brbi.dom/signature/Brown%20Rudnick.jpg]

Enrique W. Iturralde

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## Case 2:17-cv-00514-JRG Document 161-17 Filed 02/13/19 Page 4 of 4 PageID #: 14390

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