

EXHIBIT 16

From: [Iturralde, Enrique W.](mailto:Iturralde.Enrique.W.)
 To: [Bombach, Miguel J. \(SDO\)](mailto:Bombach.Miguel.J.(SDO))
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 Subject: Re: AGIS - HTC's source code
 Date: Tuesday, October 02, 2018 10:42:11 AM

Miguel,

We are disappointed that you would not extend the professional courtesy of expediting Mr. Vjih'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 source code computer or paper printouts.

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 four 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.

Regards,
 Enrique

From: "mbombach@perkinscoie.com" <MBombach@perkinscoie.com>
 Date: Tuesday, October 2, 2018 at 11:37 PM
 To: "Iturralde, Enrique W." <Elturralde@brownrudnick.com>
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 Subject: RE: AGIS - HTC's source code

Enrique,

On October 1st, for the first time AGIS identified Mr. Vjih 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. Vjih 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. Vjih was or that AGIS was attempting to use him as an expert.

As you know, the Protective Order unequivocally states at paragraph 11(c) that HTC has seven days to raise an objection to any expert disclosed by AGIS. Your request that HTC immediately approve of Mr. Vjih under the protective order is both unreasonable and inappropriate, especially where Mr. Vjih 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. Vjih. 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. Vjih, but HTC's cannot be prejudiced by AGIS' tactical decisions. Until HTC completes its review of Mr. Vjih, 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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Miguel,

As promised, I am confirming that Rahul Vjih 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. Vjih's CV and signed undertakings for this and previous cases. Mr. Vjih does not have any pending patent applications, nor does he help prosecute, advise, or otherwise work on any pending patent applications. Mr. Vjih has not testified at trial in the past five years. Mr. Vjih has given 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. Vjih ahead of 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.

Thanks,
 Enrique

From: "Iturralde, Enrique W." <Elturralde@brownrudnick.com>
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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 Vjih's expected arrival time at your San Diego office on Wednesday, October 3rd.

Thanks,
 Enrique

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