

Exhibit A

Robb, Andrew

From: Vincent, Robert
Sent: Tuesday, November 2, 2021 4:02 PM
To: Fred Fabricant; Enrique Iturralde; AGIS
Cc: *** GDC-Uber-Agis; melissa@gillamsmithlaw.com
Subject: RE: AGIS/Uber - M. Beyer/AGIS 30(b)(6) Deposition

Fred,

We notified you weeks in advance of Mr. Beyer's deposition that ten hours would almost certainly be insufficient given the number of topics for which Mr. Beyer was designated. On the meet and confer, I specified at least three areas of testimony that we were not able to address during Mr. Beyer's deposition, and contrary to your statement below, I offered to go through the notice and identify the specific topics for which we intend to seek additional testimony. You declined that offer and asked that I send you a list of the topics in writing, which I have now done. Regarding your reference to Mr. Beyer's age and your accusation that our request for additional time is "merely to harass and exhaust" him, as we told you multiple times prior to Mr. Beyer's deposition, it was AGIS who chose to designate him for over 90 topics for the 30(b)(6) notice, even though, as Mr. Beyer admitted in his deposition, others at AGIS have more detailed knowledge on several of those topics. Indeed, we noticed or subpoenaed nine different individuals at AGIS Software and AGIS, Inc., and AGIS nevertheless chose to designate only two other witnesses for only nine topics. Whether or not it was your intent, the result of your designations and your refusal to provide additional deposition time is to prevent Uber from acquiring corporate testimony on relevant topics. Your offer to limit any additional time to only three hours and five topics is unworkable, and we agree that we are at an impasse. We will proceed with our motion.

Regards,

Robert A. Vincent

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From: Fred Fabricant <ffabricant@fabricantllp.com>
Sent: Tuesday, November 2, 2021 11:26 AM
To: Vincent, Robert <RVincent@gibsondunn.com>; Enrique Iturralde <eiturralde@fabricantllp.com>; AGIS <AGIS@fabricantllp.com>
Subject: RE: AGIS/Uber - M. Beyer/AGIS 30(b)(6) Deposition

[WARNING: External Email]

Robert:

In our meet and confer call yesterday you requested an additional 5 hours of deposition testimony from Malcolm Beyer. We had originally agreed to produce Mr. Beyer for a total of 10 hours for all defendants. At the conclusion of the 10 hours defendants stated on the record that they needed more time and we rejected that claim based upon the fact that all topics had been well covered during the two days of deposition. Yesterday at the meet and confer, I asked you

to identify the specific topics on which you would question Mr. Beyer for an additional 5 hours. You stated that there were three areas of additional questioning (i) the marketing of the AGIS LifeRing product, (ii) the operation of the AGIS LifeRing product; and (iii) the collection of documents performed by AGIS in this litigation. All three of these topics were well covered during Mr. Beyer's 10 hours of deposition. Today, in your e-mail you completely abandon your representations yesterday and you now identify **forty-nine (49)** topics for additional questioning. You further state in your e-mail "[t]o be clear, this is not a limitation on the questioning that can take place during any additional deposition time." We believe that your position is unreasonable and that you seek to cross examine Mr. Beyer, an 83 year old man, for an additional 5 hours not to gather additional probative information but rather merely to harass and exhaust him. However, in order to avoid needless motion practice we will agree to offer Mr. Beyer for an additional 3 hours limited to not more than 5 topics to be specifically identified by topic number at least 3 days in advance of the deposition. This offer requires that all remaining defendants agree to be limited to this total of 3 additional hours **to be shared by the defendants**. Please let me know, in writing, if this offer is acceptable. Otherwise, we are at an impasse.

From: Vincent, Robert <RVincent@gibsondunn.com>

Sent: Tuesday, November 2, 2021 11:46 AM

To: Enrique Iturralde <eiturralde@fabricantllp.com>; Fred Fabricant <ffabricant@fabricantllp.com>; AGIS <AGIS@fabricantllp.com>

Subject: AGIS/Uber - M. Beyer/AGIS 30(b)(6) Deposition

Counsel,

As discussed on our meet and confer, we are requesting five additional hours of deposition time with Mr. Beyer. As we stated on the call, during the deposition, and in various emails prior to the deposition, Mr. Beyer is a named inventor on all five asserted patents (three of which have never been litigated previously), is CEO the plaintiff as well as its sister entity, and was designated on over 90 topics for the AGIS Software 30(b)(6) notice and a similar number for the AGIS Inc. subpoena. As discussed on our meet and confer, Uber has not yet been able to sufficiently address a number of topics, including Topics 1, 4, 5, 7, 9, 10, 11, 12, 13, 14, 21, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 67, 75, 76, 79, 80, 85, 86, 89, 91, and 92 of Uber's 30(b)(6) notice. To be clear, this is not a limitation on the questioning that can take place during any additional deposition time. Please let me know today if AGIS will oppose an additional five hours of deposition time for Mr. Beyer, which Defendants have agreed will be sufficient time to address any remaining topics.

Regards,

Robert A. Vincent

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