

EXHIBIT A

Brian Cannon

From: Brian Cannon
Sent: Monday, July 23, 2007 3:10 PM
To: Rodriguez, Ricardo
Cc: Rhyu, Michelle
Subject: RE: Expert depositions & dismissal of individual counterclaims

Ricardo:

We can accommodate Volberding's request and take his deposition on Sunday, August 19.

Wednesday, August 15 looks good for Kramer in Boston.

-- Brian

From: Rodriguez, Ricardo [mailto:rr@cooley.com]
Sent: Friday, July 20, 2007 4:46 PM
To: Brian Cannon
Cc: Rhyu, Michelle
Subject: RE: Expert depositions & dismissal of individual counterclaims

Brian, here's the availability for our 2 experts. We would like to confirm ASAP because their schedules change quickly.

Volberding has a very strong preference for a weekend, which we would like to accommodate. He would be available the 18th and 19th (Sat and Sun). If that is not possible, he would have to take unpaid days on 8/20, 21, or 22. I presume beyond that is too late for you. His deposition will be local.

Kramer's deposition will be in Boston. He is actually on vacation in Nantucket but can make it to Boston for deposition on 8/14, 15, 16, 21, 22.

Let me know. Your letter describing our agreement on discovery of expert communications, drafts, etc. looked fine. Thanks,

Ricardo

From: Brian Cannon [mailto:briancannon@quinnemanuel.com]
Sent: Tuesday, July 17, 2007 4:41 PM
To: Rodriguez, Ricardo
Cc: Rhyu, Michelle
Subject: RE: Expert depositions & dismissal of individual counterclaims

Ricardo: to follow up our conversation, I will send over shortly a letter confirming our agreement about discovery of experts' drafts, communications, etc. Please let me know if the language is not OK. After we both get confirmation of our experts' schedules, we can prepare a short stip in order to take the depositions after the opening and opposition declarations/briefs get filed. By my calendar, Roche would take its depositions the week of August 13; and Stanford would take its depositions beginning August 31, and the following week.

8/10/2007

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From: Rodriguez, Ricardo [<mailto:rr@cooley.com>]
Sent: Tuesday, July 17, 2007 2:08 PM
To: Brian Cannon
Cc: Rhyu, Michelle
Subject: Expert depositions & dismissal of individual counterclaims

Brian, I'd like to touch base about expert depositions for claims construction (we are serving our deposition notices/subpoenas for your claims construction experts today). I am concerned about the impact of having depositions go forward next week on our ability to depose the experts on their opposition & reply declarations.

On the dismissal of the individual defendants, I think we may have a misunderstanding, and wanted to clarify before we go ahead and file an MSJ. I believe Michelle left you a message on this.

Can you contact me or Michelle today or tomorrow. Thanks,

Ricardo

Ricardo Rodriguez
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8/10/2007

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