

# Exhibit D

**Sutton, Theresa A.**

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**From:** Mosko, Scott [scott.mosko@finnegan.com]  
**Sent:** Wednesday, January 30, 2008 3:09 PM  
**To:** Sutton, Theresa A.  
**Subject:** RE: Letter re Open Issues

Theresa,

Sending a letter at 3:00 and demanding a response in 2 hours is unreasonable. There is no reason that the five topics mentioned in your letter cannot be addressed after Wednesday, when Defendants' two oppositions will be filed. Further discovery responses and deposition dates are in the works. We talked about those further responses on the day of the CMC. We will serve a notice of deposition shortly, and we will provide you with dates for your requested depositions as soon as we have them finalized.

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**From:** Sutton, Theresa A. [mailto:[tsutton@orrick.com](mailto:tsutton@orrick.com)]  
**Sent:** Wednesday, January 30, 2008 3:01 PM  
**To:** Mosko, Scott; Webster, Jason  
**Cc:** Cooper, Monte; Dalton, Amy; Tsutsui, Hiroko  
**Subject:** Letter re Open Issues

Scott and Jason-

Please see the attached letter.

Theresa



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