

EXHIBIT A

From: [Singer, Randi](#)
To: [Schaetzel, Steve](#); [Larson, Todd](#); [Edward B. Krugman](#)
Cc: [Askew, Tony](#); [Harbin, John](#); [Moffitt, Natasha](#); [Quicker, Katrina M. \(Atlanta\)](#); [Rich, Bruce](#); [Bloom, Jonathan](#); [John H. Rains IV](#)
Subject: RE: Deposition Scheduling
Date: Monday, April 18, 2011 12:38:54 PM

Steve:

Yes, we confirm that Professor Kaufmann will not be deposed again and that Plaintiffs are withdrawing the allegation of infringement as to Professor Lloyd such that Professor Lloyd will not be deposed. In addition, we also discussed that:

- To the extent Defendants go forward with any "depositions to preserve testimony for trial," it is explicitly without waiver by Plaintiffs. Plaintiffs expressly reserve and do not waive the right to object to any attempts by Defendants to introduce any deposition testimony of witnesses who are not unavailable within the meaning of the Federal Rules of Evidence and the Federal Rules of Civil Procedure. The parties agree that these depositions are going forward in the interests of time and in the spirit of cooperation, but that Plaintiffs expressly reserve the right to argue that such deposition testimony is precluded by the Rules.
- Notwithstanding the fact that there is no prior agreement between the parties as to the duration of these depositions, Plaintiffs will attempt to conduct depositions in an efficient manner. The parties acknowledge, however, that to the extent Defendants intend to take "depositions to preserve testimony for trial," the proposed scheduling set forth in your email yesterday may not work.
- You will inquire whether King & Spalding is authorized to accept service of trial subpoenas for professors and/or administrators.

We look forward to hearing from you as to the location of these depositions.

Regards,
Randi



Randi W. Singer
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
randi.singer@weil.com
+1 212 310 8152 Direct
+1 212 310 8007 Fax

From: Schaetzel, Steve [mailto:SSchaetzel@KSLAW.com]

Sent: Monday, April 18, 2011 12:26 PM
To: Singer, Randi; Larson, Todd; 'krugman@bmelaw.com'
Cc: Askew, Tony; Harbin, John; Moffitt, Natasha; Quicker, Katrina M. (Atlanta)
Subject: Deposition Scheduling

Randi,

To confirm part of our call, we are agreed that Prof. Kaufmann will not be deposed, and that the Plaintiff's are withdrawing the allegation of infringement as to Prof. Lloyd, such that Prof. Lloyd will not be deposed. We are considering the other issues discussed and will be back in touch later today.

thanks.
steve

Steve Schaetzel
King & Spalding LLP
404.572.2531
sschaetzel@kslaw.com

King & Spalding Confidentiality Notice:

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.