

# **EXHIBIT E**

**Seitz, Adam P. (SHB)**

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**From:** Seitz, Adam P. (SHB)  
**Sent:** Wednesday, January 10, 2007 3:58 PM  
**To:** 'Golob, Barry'; 'McPhail, Donald R.'  
**Cc:** Buresh, Eric A. (SHB)  
**Subject:** RE: Deposition scheduling

Barry,

I appreciate you at least narrowing it down to one particular notice. We have identified the appropriate witnesses and are checking their availability. I will let you know our proposed dates shortly.

Do you have the dates for the depositions we requested? Additionally, we would like to add topic no. 23 of Sprint's First 30(b)(6) Notice to the list of topics on which we would like to immediately proceed. Please provide us with a date for this topic as well.

Finally, your e-mail failed to address when we can expect the documents promised in Mr. McPhail's December 7 letter. Please confirm when we can expect to receive these additional documents.

Thanks,

Adam

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**From:** Golob, Barry [mailto:BGolob@duanemorris.com]  
**Sent:** Wednesday, January 10, 2007 10:51 AM  
**To:** Seitz, Adam P. (SHB); McPhail, Donald R.  
**Cc:** Buresh, Eric A. (SHB)  
**Subject:** RE: Deposition scheduling

*Regarding your request that we identify specific topics in order of importance in our Rule 30(b)(6) notices, we have reviewed same and are somewhat perplexed by your request.*


*An inspection of the topics in our 2nd and 3rd notices demonstrates that the categories of inquiry fall into several broad topics, including: development of the alleged inventions and the prosecution of the asserted patents, infringement issues, Sprint's commercialization efforts, sales, marketing and financial information relating to Sprint's alleged damages claim.*

*We therefore believe we can proceed concurrently on these topics, depending on the number of witnesses Sprint identifies to testify.*

*However, in the spirit of cooperation, we want to proceed first with the topics contained in our 2nd notice, and would like to do so at the end of next week? We can take the witnesses relating to the 3rd notice in early February. Given the present state of the discovery cut-off, we need to get these done in order to have adequate time to prepare our expert reports.*

*Please make every effort to let us know by tomorrow if we can take the witnesses on the topics in the 2nd notice beginning next Thursday, Jan. 18 and continue on Friday, if necessary.*

1/18/2007



**Barry Golob**  
Partner

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**From:** Seitz, Adam P. (SHB) [mailto:ASEITZ@shb.com]  
**Sent:** Tuesday, January 09, 2007 5:08 PM  
**To:** Golob, Barry; McPhail, Donald R.  
**Cc:** Buresh, Eric A. (SHB)  
**Subject:** RE: Deposition scheduling

Barry,

I have received confirmation from our vendor that the documents are going out today and tomorrow via FedEx to your attention. As for your 30(b)(6) notices, our scheduling would be aided if you were to identify the topics on which you would like to immediately proceed. It is difficult to efficiently schedule these depositions given the overwhelming number of topics you have propounded. I would remind you, however, that we have been waiting for dates on the remaining topics in our first 30(b)(6) notice since September 8. It is now over four months after we first served that notice and we have yet to receive any dates from you. As such, I would ask that you provide us with dates for the depositions requested in my Jan. 8 e-mail by this Friday.

As for the Cisco, Bellcore and Tellabs contracts, we are required to provide notice to and receive written approval from those entities before disclosing them. We are in the process of receiving said approval and will produce the documents as soon as we have complied with our contractual obligations. There are, however, two Tellabs contracts that do not require such notice, which we will be producing this week.

Finally, Mr. McPhail's December 7 letter stated that you have additional documents to produce that relate to your noninfringement and invalidity contentions. We have yet to receive these documents. As Sprint's expert report is due on January 12, your failure to provide these documents is subjecting Sprint to significant prejudice. Please confirm when we can expect to receive these additional documents.

Sincerely,

Adam

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**From:** Golob, Barry [mailto:BGolob@duanemorris.com]  
**Sent:** Monday, January 08, 2007 8:53 PM  
**To:** Seitz, Adam P. (SHB); McPhail, Donald R.  
**Cc:** Buresh, Eric A. (SHB)  
**Subject:** Re: Deposition scheduling

I will look into that availability.

1/18/2007

What about your witnesses to our 3 outstanding 30b6 notices? We have been waiting several weeks for dates, as well as the 6 personal depositions. Also, did you send the 45000 pages that you promised for Friday. Those 45000 pages were brought to your attention a month ago and you promised the documents by Dec 15 as well as two other dates, including last Friday.

Moreover, several of your letters mention an additional search and the locating of additional responsive documents, including the Tellabs and Cisco agreements. When should we expect that production?

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----- Original Message -----

From: Seitz, Adam P. (SHB) <ASEITZ@shb.com>  
To: Golob, Barry; McPhail, Donald R.  
Cc: Buresh, Eric A. (SHB) <EBURESH@shb.com>  
Sent: Mon Jan 08 18:10:34 2007  
Subject: Deposition scheduling

Barry and Don,

In order to aid in deposition scheduling, we would like to proceed with the individual deposition of Jeff Citron and topic nos. 17, 20 and 21 of Sprint's First 30(b)(6) Notice as soon as possible. Additionally, we are still reviewing documents that Vonage dumped on us shortly before Thanksgiving and will notify you as soon as we have completed our review so that we can schedule the remaining depositions relating to those documents.

Please let me know the availability for Mr. Citron and your 30(b)(6) designee as soon as possible.

Thanks,

Adam P. Seitz  
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Mail Gate made the following annotations on Mon Jan 08 2007 17:11:08

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1/18/2007