

NIRO, HALLER & NIRO

181 WEST MADISON STREET-SUITE 4600

CHICAGO, ILLINOIS 60602

TELEPHONE (312) 236-0733

FACSIMILE (312) 236-3137

RAYMOND P. NIRO
TIMOTHY J. HALLER
WILLIAM L. NIRO
JOSEPH N. HOSTENY, III
ROBERT A. VITALE, JR.
PAUL K. VICKREY
DEAN D. NIRO
RAYMOND P. NIRO, JR.
PATRICK F. SOLON
ARTHUR A. GASEY
CHRISTOPHER J. LEE
DAVID J. SHEIKH
VASILIOS D. DOSSAS
SALLY WIGGINS
RICHARD B. MEGLEY, JR.

MATTHEW G. McANDREWS
PAUL C. GIBBONS
GREGORY P. CASIMER
DINA M. HAYES
FREDERICK C. LANEY
DAVID J. MAHALEK
KARA L. SZPONDOWSKI
ROBERT A. CONLEY
LAURA A. KENNEALLY
TAHITI ARSULOWICZ
BRIAN E. HAAN
JOSEPH A. CULIG
ANNA B. FOLGERS
OF COUNSEL:
JOHN C. JANKA

July 6, 2010

Honorable Jeanne J. Graham
U.S. Magistrate Judge
U.S. District Court for the District of Minnesota
342 Federal Building
316 North Robert Street
St. Paul, Minnesota 55101

Re: Timebase v. Thomson (07cv1687)

Dear Judge Graham:

I was out of the office traveling Friday, and did not see the defendants' additional requests for testimony from Messrs. Nolan and Leslie. These gentlemen have been known to the defendants for several years. TimeBase does have some objections.

Fact discovery closes August 31. I have enclosed the latest list of depositions the defendants have noticed. A new one, Deutsche Bank in New York on July 29, was added on Friday. As you can see, many depositions are due to occur in Australia in the first half of August. We are supposed to begin deposing Thomson witnesses beginning on August 17 in Minnesota. The notices for Messrs. Nolan and Leslie provide that they can be deposed up to August 20, and possibly up to August 31. See paragraphs 8.1 and 8.2.

Honorable Jeanne J. Graham
U.S. Magistrate Judge
July 6, 2010
Page 2

We cannot overlap Australian and Minneapolis depositions. It results in an impossible schedule. Second, a trip to Australia for TimeBase's counsel will be extremely expensive, and time-consuming, both to plan and carry out. Two trips should not be required. For that reason, TimeBase objects to the notices.

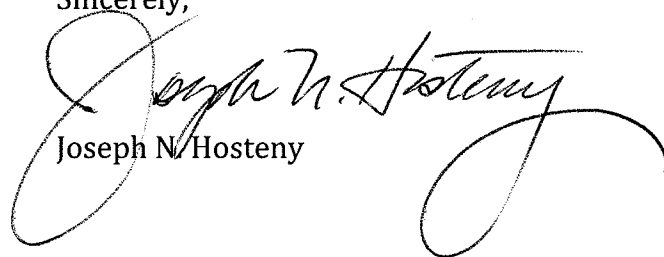
Paragraph 5 provides that further documents may be sought. Documentary requests were issued for Messrs. Nolan and Leslie in August or September, 2009. Neither has been served after ten months. Further requests should not be permitted. TimeBase objects.

These requests for testimony are not timely. The website for the Australian Attorney General indicates that requests can take six months to complete, once in Australian hands. The requests for documents issued ten months ago have not been served to the best of our knowledge.

The defendants requested an extension of the schedule for expert reports to a time after the Markman hearing set for September 23. TimeBase advised the defendants on Friday that it would not object so long as (1) fact discovery is extended 45-60 days to allow the parties time to complete the Australia depositions in one trip and in an orderly way, and (2) the trial ready date in June, 2011 is not extended. The parties have not reached agreement. TimeBase suggests a teleconference with the Court if the parties do not agree shortly.

TimeBase appreciates the Court's attention.

Sincerely,



Joseph N. Hosteny

JNH:mk
Encl. Status Regarding Depositions

cc: Calvin Litsey, via email, with encl.
FaegreThomsonList, via email, with encl.