

LEVISOHN BERGER LLP

11 BROADWAY, SUITE 615
NEW YORK, NEW YORK 10004

TEL: (212) 486-7272

FAX: (212) 486-0323

WEBSITE: WWW.LLBL.COM

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TRADEMARKS
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E-MAIL TO ATTORNEY:
FIRST INITIAL AND
LAST NAME OF
ATTORNEY@LLBL.COM

PETER L. BERGER
JANE B. LINOWITZ
JONATHAN BERGER
TUVIA ROTBERG

DAVID COWAN
TECHNICAL CONSULTANT

July 14, 2011

Via ECF

Judge Ramon E. Reyes
United States District Court,
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Vadim Mikhlyn, et al. v. Ana Bove, et al., Index No. CV 08 3367

Dear Judge Reyes:

Enclosed is a PDF letter from the pro se Defendants in anticipation of the conference scheduled for today. We are submitting this at the request of the Pro Se Defendants. Because of the language issue, the purpose of this letter is to help facilitate the discussion for the above-referenced scheduled conference.

Thank you for your consideration.

Respectfully submitted,
LEVISOHN BERGER LLP

/S/

Jonathan Berger, Esq.

Cc: Ana Bove, Polina Dolginov (by email)
Eric Wertheim, Daniel Akselrod, lawyers for Plaintiff (by ECF)

Encl.

07.14.11

Dear Judge Reyes,

When looking through the papers and preparing for today's (07.14.11) Conference we realized that we didn't fully and accurately answer the specific and key moments of plaintiffs' Motion, because our answer were limited to three pages, and we had only a few days to put it all together. We would like to explain you more details, in case we fail to explain clearly to the Judge by telephone, because of bad English.

We believe that the main reason for the dispute and the presence of various allegations of plaintiffs and defendants, regarding the documents submitted by the defendants, is that we have never cross-checked the documents which were sent by us to Boris Kogan and received from Boris Kogan by plaintiffs. Indeed, obviously Boris Kogan has never turned over some of them. We have offered this to plaintiffs yet in January 2011, during and after the 01.04.11 conference. Plaintiffs do not want to reconcile, to be able to complain to the Judge.

We now estimate that we handed over to Boris Kogan (for plaintiffs) 49.000 e-mails, out of which 16.500 are Attorney eye ONLY. And 68 CDs with documents.

If plaintiffs will give us a list of CDs received from Boris Kogan, then within one - two days we will give the ones which they have not received, and all the problems may go away by themselves.

In this response of ours we didn't repeat our earlier explanation that the words "we didn't give..." related exactly to the moment of time when they were being written. Later, we gave everything to Boris.

Also, we feel that we didn't explain clearly that the number 65.700, which we mentioned earlier to Boris, includes absolutely all documents associated with the case, most of which should not have been turned over to plaintiffs because they were Attorney Client Privileges (if fact, they were written by the request of Boris Kogan). At that time, Boris had to declare or not to declare about them, not us.

We also forgot to mention that in Skype, the information is stored only for a one month, sometimes a bit longer. So when we were preparing the documents for Discovery in 2010, we were able to pull out just a little of information. Furthermore, it suggests that information lost (for the end of 2008), after

reinstallation of Skype in early 2009, still would not have survived to the end of 2009.

Unfortunately, our main allegation was that under word we "remover", we had in mind that we have divided, rather than "withhold". And that we did not remove or obscure, we just simply divided into categories, but we have handled everything to Boris.

Explanation regarding the reason of Skype reinstallation in 2009. The main business of Alex is the use of online systems of analysis and predictions oof stock market. The system in automatic mode is analyzing hundreds of orders, and includes fully automated trading in real-time mode on live market. At the beginning on 2009 an extensive testing was happening in Alex's office, and a tune-up of the system, with the purpose of selling the system. Any malfunctioning within the network could very seriously alter the testing results, therefore Alex made a decision to reinstall Skype. In order not to get infected once again, he requested Ana and Polina to do the same. We didn't know that the info isn't stored on Skype server. Except of that, even if we wouldn't reinstall Skype, then the information that existed back then wouldn't remain in any case until 2010, when we've been preparing the Skypes for discovery.

Plaintiffs, without reasons claim that we had removed something.

With respect,
Alex, Anna, Polina.