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Sanford P. Dumain
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May 7, 2012

SENT VIA EMAIL

Orin Snyder
Gibson Dunn
200 Park Avenue
New York, NY 10162
osnyder@gibsondunn.com

Re: *Ceglia v. Zuckerberg*, No. 10-00569 (W.D.N.Y.) (RJA) (LGF)

Dear Orin:

At the April 4, 2012 hearing, Defendants' counsel stated that Plaintiff is in possession of everything that Defendants' experts relied upon in arriving at their opinions. *See e.g.*, Transc. 202:25 - 203:30 ("MR. SNYDER: Everything they relied on we got from their computers and -- THE COURT: I thought it was fairly well understood that what the basis of the defendants' experts were. Basically it is what it is as stated in this record, pretty definitively and under oath. . ."). However, our review of those reports indicates that Defendants' experts relied upon materials that have never been provided to Plaintiff. We request that you produce these items, which are set forth below.

- **All native format images, files, or other sources of any and all contracts or alleged contracts in this matter.** *See, e.g.*, Declaration of Gerald LaPorte (Ex. B. to 3/26/12 Southwell Decl.), ECF No. 326, at 4 ("I took high-resolution color digital photographs and scans"); Declaration of Frank Romano (Ex. C to 3/26/12 Southwell Decl.), ECF No. 327, at 3 (relying on "two high-resolution scans taken by Mr. Tytell"); Declaration of Gus Lesnevish (Ex. E. to 3/26/12 Southwell Decl.), ECF No. 329, at 2 (relying on "image of the Work for Hire document taken by Defendants' expert Peter V. Tytell"); Declaration of Peter Tytell (Ex. F. to 3/26/12 Southwell Decl.), ECF No. 330, at 3 ("I acquired images of the original Work for Hire document and Specification document with a flat-bed scanner, a digital camera, and the digital image capture capabilities of the VSC 400"); Declaration of Albert Lyter (Ex. D. to 3/26/12 Southwell Decl.), ECF No. 328, ("I also used a MiScope digital microscope . . . which allowed me to capture digital images at these magnifications.");
- **All native format files received from the law firm of Sidley Austin and/or Jim Kole.** *See, e.g.*, 3/26/12 Report of Stroz Friedberg, LLC (Ex. A. to 3/26/12 Southwell

Decl.) (“Stroz Decl.”), ECF No. 325, pp. 18-22 (citing scanned image files and emails that were obtained from Sidley Austin);

- **A forensically-sound, native copy of Mr. Zuckerberg’s email records from Harvard.** *See* 3/26/12 Declaration of Bryan J. Rose in Support of Defendants’ Motion to Dismiss (“Rose Decl.”), ECF No. 333, at 1 (citing “four separate copies of Mr. Zuckerberg’s email account from Harvard”), at 2 (citing copies of the email account as it existed on April 15, 2011, October 1, 2010, November 3, 2003, and February 9, 2012); *See also* Stroz Decl. at 23-31 (disputing the authenticity of Plaintiff’s emails with Defendant Zuckerberg’s Harvard email address);
- **The underlying data, images, findings, and/or results from the various tests and experiments performed and relied upon by Defendants’ experts in connection with their reports.** *See, e.g.,* LaPorte Decl. at 12-13, 15-16 (citing various chemical analyses), 18 (“I performed an experiment on November 23, 2011 . . .”); Lyter Decl. at 5-8 (citing chemical examination performed on microplug samples taken from areas of writing);
- **Results or findings of all examinations of the signatures on page two of the contract, e.g., those analyzing the signatures to determine if they are genuine signatures of Paul Ceglia and Mark Zuckerberg.** *See, e.g.,* LaPorte Decl. at 14-16;
- **Results or findings (and images) of all Electrostatic Detection Apparatus (“ESDA”) testing of the Facebook contract by each expert who performed the test and for every performance of that test.** *See, e.g.,* LaPorte Decl. at 6, 17-18;
- **Results or findings of the computer forensic analysis of the forensic copies of relevant computers currently in the possession of Parmet and Associates, to the extent your experts relied on, analyzed, or otherwise considered such documents or data;**
- **Results or findings of the computer forensic analysis of the “originals” of the forensic copies of relevant computers currently in the possession of Parmet and Associates or Defendants, to the extent your experts relied on, analyzed, or otherwise considered such documents or data; and**
- **Information or data sufficient to identify with particularity the location within the document from which your experts took samples, e.g., microplugs, for testing and/or analysis.** *See, e.g.,* Lyter Decl. at 5-8 (citing chemical examination performed on microplug samples taken from areas of writing); LaPorte Decl. at 4, 15-17 (citing “ink plugs” removed from the document).

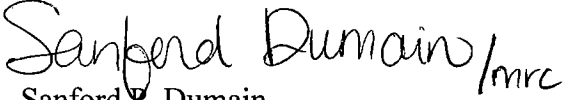
Please produce the foregoing materials by Monday, May 14, 2012. Any failure to produce these materials may serve as a basis for a motion to strike or other appropriate relief.

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We are available to meet and confer with you on this request. Please contact Jennifer Young or me with any questions.

Sincerely,


Sanford P. Dumain

cc: Alexander Southwell
Dean Boland
Paul A. Argentieri
Robert Calihan
Peter Skivington