

# EXHIBIT R

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**From:** Dean Boland <dean@bolandlegal.com>  
**Sent:** Monday, July 23, 2012 10:22 AM  
**To:** Southwell, Alexander H.  
**Cc:** paul.argentieri@gmail.com; Benjamin, Matthew; Ayccock, Amanda; Narasimhan, Sripriya  
**Subject:** Re: Response on emails re expert documents

Alex:

Everything Mr. Stewart relied upon for his opinion was contained in his report. Also, during your exhaustive deposition of him, you had ample opportunity to quiz him about any other materials you believe he relied on.

As to the remainder of your requests, Plaintiff objects to them as they are inappropriate and you had the opportunity to efficiently seek them through deposition.

Dean Boland

On Fri, Jul 20, 2012 at 6:48 PM, Southwell, Alexander H. <[ASouthwell@gibsondunn.com](mailto:ASouthwell@gibsondunn.com)> wrote:

Mr. Boland:

I write in response to your emails dated July 11, 2012 and July 20, 2012, requesting various materials related to Defendants' experts.

In your July 11 email, you make a "formal request for a copy in native format of all images, scans or photographs your paper document expert captured of any documents or contracts in this case." First of all, you made this same inappropriately broad request in your motion to compel (Doc. No. 390 at 5), and the Court firmly rejected it (Doc. No. 457 at 22-23).

Moreover, in forming their opinions, Defendants' expert document examiners relied upon their first-hand observations of the Work for Hire Document and Specifications Document, both of which remain in Ceglia's possession. Some of Defendants' experts' reports included images for illustrative purposes; thus, to the extent that Defendants' experts included any images for illustrative purposes, you already have them. Moreover, Defendants' experts relied upon some images which are already in the possession of Plaintiff, and have been for many months (*e.g.*, the authentic StreetFax Contract, images of the Work for Hire Documents produced by Ceglia's attorneys and experts). Finally, the hard-copy Work for Hire document,

on which Defendants' experts based their observations and opinions, remains in Plaintiff's possession, and was in Ceglia's possession prior to its production to Defendants' experts.

Some of our experts do state an opinion regarding Mr. Tytell's scans taken at 9:18 a.m. and 9:22 a.m. on July 14, 2011; therefore, in order to make the court-ordered expert depositions as efficient as possible, we are prepared to provide you with a copy of these native format scans. Note, our provision of Mr. Tytell's scans in no way acknowledges the propriety of your overbroad request.

Please provide us immediately with the materials you agreed to provide regarding the Stewart deposition, and which we requested in our July 16 Letter, specifically the entire file that he had with him at his deposition on July 11, 2012, including all inventories of samples.

As to the remainder of your requests, Defendants object to them as they are inappropriate and more efficiently sought through deposition.

Alex

**Alexander H. Southwell**  
Partner

**GIBSON DUNN**

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