

EXHIBIT JJ

From: Southwell, Alexander H.
Sent: Friday, August 31, 2012 11:49 PM
To: Dean Boland (dean@bolandlegal.com)
Cc: paul.argentieri@gmail.com; Benjamin, Matthew; Aycocock, Amanda
Subject: Response to 8/30 Stewart production
Attachments: YouSendIt1.pdf; YouSendIt2.pdf; YouSendIt3.pdf

Mr. Boland:

Thank you for your August 30 production of three YouSendIt files, the first of which contains images (approx. 705MB), the second of which contains PDF files (approx. 38MB), and the third of which contains file folders (approx. 579MB). We acknowledge receipt of this production which, yet again, contains additional documents that neither you nor Mr. Stewart previously produced to Defendants. Screenshots of the August 30 YouSendIt productions are attached. All files you and Mr. Stewart previously produced to Defendants in October 2011 and July and August 2012 were clearly detailed in Defendants' August 27, 2012 letter to you. Merely by way of example, new files not previously produced but contained in your August 30 production include, but are not limited to, IMG_0805.JPG, IMG_0810.JPG, and IMG_0816.JPG. Additionally, many of the pages of the various PDF documents you produced had never been previously produced to Defendants, such as the location map of Mr. Stewart's sampling from the Specifications Document. See DOC083012A.pdf at 33-42. A complete listing of the new items that were not previously produced in any prior production, which were produced for the first time on August 30, is below.

Notwithstanding your belated production of those new documents, you still have not produced any evidence documenting any ink sampling that Mr. Stewart conducted on July 25, 2011. Nor have you produced the second "TLC Worksheet Form" that Mr. Stewart used on July 25, 2011. That worksheet reflects Mr. Stewart's inventory of the contents of Vials 11-18, in which he placed paper and toner samples at the inspection. You have produced only the first "TLC Worksheet Form" dated July 25, 2011, documenting the contents of Mr. Stewart's Vials 1-10, and another "TLC Worksheet Form" dated July 29, 2011, documenting the rows of Mr. Stewart's TLC Plate #1, on which he conducted toner analysis. Neither of these two "TLC Worksheet Forms" is the second "TLC Worksheet Form" used on July 25, 2011, which, again, Mr. Stewart can clearly be seen filling out on the videotape of the inspection.

We reserve all rights and intend to seek judicial intervention in this matter.

Alex

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List of Items Produced on August 30, 2012 for the First Time

IMG_0805.JPG
IMG_0806.JPG
IMG_0807.JPG
IMG_0808.JPG
IMG_0809.JPG
IMG_0810.JPG
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IMG_0831.JPG
IMG_0832.JPG
IMG_0833.JPG
IMG_0847.JPG

DOC070312.pdf (all pages)

DOC083012.pdf (all pages)

DOC083012A.pdf (pages 1-12, 33-43, 49-55)





