

EXHIBIT LL

In the Gibson Dunn email, dated 8/31/12, Mr. Southwell makes many new and some repeated claims, describing numerous documents he believes I am withholding or have “produced” for the first time on 8/30/12. Mr. Southwell is demonstrably wrong.

In his paragraph 1 (email dated 8/31/12) Mr. Southwell states, “We acknowledge receipt of this production which, yet again, contains additional documents that neither you nor Mr. Stewart previously produced to Defendants.”

Mr. Southwell continues, “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.”

Mr. Southwell then provides the full list of files which he titles, “List of Items Produced on August 30, 2012 for the First Time”.

Following is his list:

- IMG_0805.JPG
- IMG_0806.JPG
- IMG_0807.JPG
- IMG_0808.JPG
- IMG_0809.JPG
- IMG_0810.JPG
- IMG_0811.JPG
- IMG_0812.jpg

IMG_0813.jpg
IMG_0815.jpg
IMG_0816.JPG
IMG_0817.JPG
IMG_0818.JPG
IMG_0819.JPG
IMG_0820.JPG
IMG_0821.jpg
IMG_0822.jpg
IMG_0823.JPG
IMG_0824.JPG
IMG_0826.JPG
IMG_0827.JPG
IMG_0828.JPG
IMG_0829.JPG
IMG_0830.JPG
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)

Not only is Mr. Southwell again wrong regarding whether I have previously provided Gibson Dunn or himself with those image files, in some instances he is doubly wrong in that they have been provided repeatedly. Duplicates of the submissions made to Gibson Dunn or Mr. Southwell have been maintained by me, clearly showing the previous submissions of these supposed never received or newly received files.

Following is Mr Southwell's list of items supposedly produced for the "first time" on 8/30/12 along with my descriptor indicating when, *in fact*, Gibson Dunn or Mr. Southwell was first provided those images:

1. IMG_0805.JPG - image provided at the beginning of July 2012 in response to Gibson Dunn (GD) 6/13/12 letter
2. IMG_0806.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
3. IMG_0807.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
4. IMG_0808.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
5. IMG_0809.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
6. IMG_0810.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
7. IMG_0811.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
8. IMG_0812.jpg - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
9. IMG_0813.jpg - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
10. IMG_0815.jpg - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
11. IMG_0816.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
12. IMG_0817.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter

13. IMG_0818.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
14. IMG_0819.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
15. IMG_0820.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
16. IMG_0821.jpg - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
17. IMG_0822.jpg - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
18. IMG_0823.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
19. IMG_0824.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
20. IMG_0826.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
21. IMG_0827.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
22. IMG_0828.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
23. IMG_0829.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter

24. IMG_0830.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
25. IMG_0831.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
26. IMG_0832.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
27. IMG_0833.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
28. IMG_0847.JPG - image provided at the beginning of July 2012 in response to GD 6/13/12 letter
29. DOC070312.pdf (all pages) - images provided at the beginning of July 2012 in response to GD 6/13/12 letter
30. DOC083012.pdf (all pages) - images provided 8/30/12 in response to GD 8/30/12 email
31. DOC083012A.pdf (pages 1-12, 33-43, 49-55) - images provided 8/30/12 in response to GD 8/30/12 email

For item numbers 1-29, Gibson Dunn and Mr. Southwell only **first** requested that material just prior to my deposition (July 11, 2012). Their first request came in the form of a letter from them dated 6/13/12. Once their request was clarified, Mr. Southwell sent an email, dated 7/3/12, outlining specific items they were asking for prior to my deposition. In that email, they requested the following:

“Next, as you know, you indicated in your June 22, 2012 email that Plaintiff would provide certain of the materials identified in our June 13, 2012 letter related to the upcoming depositions of Plaintiff’s document examiners. Specifically, you stated that Larry Stewart will

provide everything requested in our June 13th letter with the exception of the information on his library of standards, owing to concerns about proprietary business or manufacturer information. To be clear, we are not seeking any proprietary information. Rather, we are seeking sufficient information to understand and evaluate Mr. Stewart's opinion, which is particularly important given that this portion of his opinion is so sparse. For instance, a directory or index that demonstrates the quantity of toners in the library and lists the names or identifiers of the various toners might suffice. We are not seeking proprietary or sensitive information that might be guarded by manufacturers, such as formulas of compatible printers. Please explain what you can provide in this regard and what specific restrictions you believe are in place.

Given the approaching deposition dates, please produce these Stewart and Rantanen materials (the requested Stewart materials other than the "library" materials and all non-proprietary materials about the "library" plus the Rantanen material), and your explanation about the restrictions with respect to the "library," by today, July 3, 2012, at 8:00 p.m. Defendants reserve all rights with respect to Ceglia's failure to produce these documents sufficiently in advance of Ceglia's experts' depositions, including continuing the deposition after full production of the relevant documents and moving for appropriate sanctions."

Mr. Southwell received **all** of his requested items in my 7/3/12 response. That response was 8 days prior to my deposition.

Item nos. 30 and 31 were provided to Gibson Dunn on more than one occasion. Gibson Dunn has been provided files responsive to the Court Order (10/25/11) along with additional files on 06/13/12 based on their request for new materials. In addition, Gibson Dunn was provided files they said they hadn't received at the 07/11/12 deposition (These files were provided on-site at the deposition and given directly to Gibson Dunn). Next, based on their repeated inference that they hadn't received all of the material requested, I resubmitted the previously provided material on

08/23/12. Due to their continued insistence that they hadn't been provided all of the requested files, on 8/30/12 I provided a file where I photocopied all printed documents responsive to the Court and defendants requests and provided pdf's of those along with all of the image files. This material was all previously provided (actually on multiple occasions), but to be certain, I provided everything again. This resulted in approximately 1.322 GB of image and pdf files.

The following day (8/31/12) Mr. Southwell made a new demand for disclosure. In that Gibson Dunn email, dated 8/31/12, Mr. Southwell makes many incorrect statements. Not only, as I have previously shown, is he incorrect about never receiving the 31 listed files, the remaining demands are also demonstrably false.

In his second paragraph, Mr. Southwell begins with the following:

“Notwithstanding your belated production of those new documents,”

There has been no “belated production of documents” on my part. As shown clearly with my earlier listing, Mr. Southwell has received all of the documents, either prior to or at the time of my deposition.

As a summary:

First, I responded appropriately to the Court Order (10/25/11) where I provided all of the requested materials.

Next, I responded to Mr. Southwell’s new and further request for materials 8 days prior (7/3/12) to my deposition (7/11/12).

Then, at my deposition, Gibson Dunn looked through material I had in my possession and declared that they had not received some of the documents. Although, I was certain that I had provided them the material previously, I gave them the material again, at that time, to photocopy.

Since then, Mr. Southwell has repeated claims insisting that he has not been provided the files. On 8/23/12, I provided a copy of all previously submitted documents and files as requested through the Court Order, and then later by either Gibson Dunn or Mr. Southwell.

Next, on 8/30/12, as an over abundance of caution, I provided image files of absolutely everything in my file.

Then, that was followed with Mr. Southwell's current (8/31/12) demand indicating he just received certain images and files for the *first* time and that he has still has not received certain files, at all. Mr. Southwell is demonstrably and fallaciously wrong.

In paragraph 2 of Mr. Southwell's 8/31/12 demand, he continues with:

"...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."

Following, I will break down those remaining statements Mr. Southwell has made in his current email, along with my response:

1. "...you still have not produced any evidence documenting any ink sampling that Mr. Stewart conducted on July 25, 2011."

I have provided (on multiple occasions) all TLC worksheets, handwritten notes, along with scans and photocopies of the Work For Hire Contract showing locations of areas where I removed samples. There is nothing else I can provide.

2. "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."

In my 8/30/12 response, I stated:

"As information, pgs 13 and 18 of 55 from the file named, "doc083012a.pdf" are the two worksheets. Pg 20 of the same file is a page of handwritten notes describing the sampling of the WFH document. Pgs 21-42 of the same file show "before and after" sampling pictures as well as locations of sampling areas. I still am maintaining the untested samples in case they are needed."

Mr. Southwell fails to note that there are two dates shown on one of the TLC Worksheet Forms (the one Mr. Southwell describes as being dated July 29, 2011). The second date on that worksheet is "7/25/11." As seen at the top of that worksheet, I placed handwritten notes indicating "11-07-100 7/29/11 PLUGS TAKEN FROM THOSE REMOVED 7/25/11 LFS". The beginning portion of that entry (11-07-100) represents an internal case file number that would have been created after returning to my laboratory and prior to beginning any analysis. As easily seen on the image, there are multiple pens and inks used in the completion of that form. That is because the form was filled out on multiple dates. In my facility, I maintain notes and worksheets and add to

or create new ones as new data or changes in situations require, e.g. if some of the material is tested or transferred to a different facility, etc.

As Mr. Southwell insists that I created two worksheets on 7/25/11, and I have 2 worksheets with a date of 7/25/11, I can only assume that the 2 worksheets provided to Mr. Southwell represent the 2 worksheets he is speaking of. There is no additional or 3rd worksheet outlining an “inventory” of the contents of vials 11 through 18. Instead, I have scans and photocopies of the Work For Hire Contract and Specifications Contract showing locations of sampling. These were all provided to Mr. Southwell.

Although I don't recall making a mistake on the handwritten pages I created on 7/25/11, that is always a possibility. If that happened, it is possible that I started a form over. But that is not my recollection.

TLC Worksheet forms are generally created for a reason. In this case, I described my destructive sampling via handwritten notes as well as location maps. TLC Worksheet Forms were created when I began outlining my plans for testing of the toner and paper. That explains why only some of the vials are described on those forms, simply because only some of the material has been tested, to date. The untested items remain in my possession in case future testing is requested.

I believe I have followed the Court Order, as well as provided for all of the reasonable demands of the defendants counsel. There has been no purposeful destruction of materials or files. In fact, the untested material awaits. That way, if additional tests become necessary to answer questions regarding the ink, paper or toner from the Work For Hire Contract, we are prepared to provide them.