

# EXHIBIT D

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**From:** Southwell, Alexander  
**Sent:** Thursday, July 05, 2012 9:20 PM  
**To:** Dean Boland (dean@bolandlegal.com)  
**Cc:** paul.argentieri@gmail.com; Snyder, Orin; Benjamin, Matthew J.; Aycok, Amanda M.; Narasimhan, Sripriya  
**Subject:** FW: Deposition dates and documents

Mr. Boland:

Please respond concerning these documents.

Thanks  
Alex

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**From:** Southwell, Alexander  
**Sent:** Tuesday, July 03, 2012 12:57 PM  
**To:** Dean Boland ([dean@bolandlegal.com](mailto:dean@bolandlegal.com))  
**Cc:** [paul.argentieri@gmail.com](mailto:paul.argentieri@gmail.com); Snyder, Orin; Benjamin, Matthew J.; Aycok, Amanda M.; Narasimhan, Sripriya  
**Subject:** Deposition dates and documents

Mr. Boland:

First, I want to confirm with you that depositions will proceed as follows on these dates:

July 16, 2012: Jim Blanco  
July 18, 2012: Stroz Friedberg (AM & PM)  
July 19, 2012: Stroz Friedberg (AM & PM)

These depositions will take place in our offices in New York city. We are still working on the exact ordering of the Stroz witnesses to accommodate your request that Mr. McGowan and Mr. Rose be deposed in the mornings (which will be the case).

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.

Finally, at the Grant deposition you promised to provide the list of prior testimony that Mr. Grant testified that he had provided to you, but we still have not gotten that. Please provide that information as soon as possible.

Thanks

Alex

**Alexander H. Southwell**

Partner

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