

Exhibit 1

From: David Perlson
Sent: Thursday, February 11, 2010 7:45 AM
To: 'Marc Fenster'
Subject: Becker/Ugone depositions

Marc, are you available to discuss this today? I am troubled by the recent emails in which Plaintiff is demanding Ugone the week of February 22. On our call in which you discussed Becker's situation I made clear that Ugone may not be available the week of Feb 22 and you expressed that would be fine and that you would be willing to work with us on deadlines etc so that we could work around Becker's situation cooperatively. Now, after we have agreed to accommodate Becker and Plaintiff, even though it meant delaying our Daubert motion as to Becker, it seems like Plaintiff is using our cooperation on this issue against us. This is not appropriate and I am hopeful we can avoid a dispute on this issue.

David