

Exhibit 3

From: Marc Fenster [mailto:mfenster@raklaw.com]
Sent: Friday, February 12, 2010 3:41 PM
To: David Perlson
Cc: David Pridham; Brian Cannon
Subject: Re: experts

David,

Given what you told us today -- that you are not willing to make Fox available on two sessions -- we'll take him Feb. 17 and 18 as earlier proposed. Please confirm.

Thanks,
Marc

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On Feb 12, 2010, at 12:12 PM, David Perlson wrote:

Following up on our call this am, Fox is available March 3 and also from 7-9am March 4th if necessary. He has office hours and a class after that so he needs to be done by 9 am.

I have no further info on Ugone yet, but again I think it is unlikely that a depo the week of 2 22 would work.