

# **EXHIBIT 3**

From: Tom Fasone III  
Sent: Thursday, October 06, 2011 3:27 PM  
To: yeej@gtlaw.com; joynerj@gtlaw.com; dougmcswane@potterminton.com  
Cc: masondl@gtlaw.com; heatherlya@gtlaw.com;  
Defendants-Eolas@ropesgray.com; Eolas; John B. Campbell; Josh Budwin;  
Holly E. Engelmann; Don Gaiser; Bob Kramer; Matt Rappaport; Kevin  
Burgess  
Subject: Eolas/Frito-Lay: Depositions of Frito-Lay

Gentleman

Thanks for participating in the call this afternoon.

Just so the record is clear on this point, Eolas is available to take the depositions of Frito-Lay's witnesses the last two weeks of October and the first week of November, although, as we previously communicated to Frito-Lay, Eolas' preference is to complete the depositions as soon as practicable in light of the compressed schedule.

Regards,

Tom