

# EXHIBIT 1

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**From:** Margaret P. Kammerud  
**Sent:** Tuesday, January 15, 2013 9:22 AM  
**To:** Monterio, Charles; zz-IPEngine  
**Cc:** QE-IP Engine; Noona, Stephen E.; Donald C. Schultz (dschultz@cwm-law.com); W. Ryan Snow (wrsnow@cwm-law.com)  
**Subject:** RE: I/P Engine

Charles,

I write to follow up on our meet and confer yesterday. First, Plaintiff rejected Defendants' proposal from Friday, and stated that it did not believe a deposition of Dr. Becker was necessary. Defendants disagreed, reiterating the necessity of taking a deposition in advance of providing their opposition to Plaintiff's Motion for Post-Judgment Royalties.

We further discussed the following possible proposal: As initially requested by Defendants, Plaintiff provide Dr. Becker this week or early next week for deposition, in advance of the current deadline for Defendants' opposition brief. Defendants will agree to provide Dr. Ugone for deposition in advance of the deadline for Plaintiff's reply brief. Each side will bear its own fees and costs. And in the event that the Court grants Defendants' Motion to Extend Briefing, the deadlines for these depositions will also be extended.

We have confirmed that this is agreeable to Defendants, provided Dr. Becker can be made available no later than January 22. Please confirm whether this proposal is acceptable to Plaintiff. If Plaintiff is not willing to provide Dr. Becker for deposition as requested, then as discussed Defendants intend to move to compel Dr. Becker's deposition.

Additionally, per our discussion, we think it would be useful to call the clerk this morning to ask about the status of the Motion to Extend Briefing. Please let us know if you are agreeable to jointly calling, and if so what time would work for you.

Thank you,  
Meg

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**From:** Emily O'Brien  
**Sent:** Monday, January 14, 2013 11:54 AM  
**To:** Monterio, Charles; zz-IPEngine  
**Cc:** QE-IP Engine; Noona, Stephen E.; Donald C. Schultz (dschultz@cwm-law.com); W. Ryan Snow (wrsnow@cwm-law.com)  
**Subject:** RE: I/P Engine

Charles,

We can use the following dial-in information for our call this afternoon:

1-866-939-8416  
Participant code 4837026

Thank you,  
Emily

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**From:** Monterio, Charles [<mailto:MonterioC@dicksteinshapiro.com>]  
**Sent:** Monday, January 14, 2013 8:59 AM  
**To:** Emily O'Brien; zz-IPEngine  
**Cc:** QE-IP Engine; Noona, Stephen E.; Donald C. Schultz ([dschultz@cwm-law.com](mailto:dschultz@cwm-law.com)); W. Ryan Snow ([wrsnow@cwm-law.com](mailto:wrsnow@cwm-law.com))  
**Subject:** RE: I/P Engine

Emily,

I/P Engine is available to meet and confer at 1 PM PT. Please provide the dial-in information.

**Charles**  
(202) 420-5167

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**From:** Emily O'Brien [<mailto:emilyobrien@quinnemanuel.com>]  
**Sent:** Friday, January 11, 2013 7:25 PM  
**To:** Monterio, Charles; zz-IPEngine  
**Cc:** QE-IP Engine; Noona, Stephen E.; Donald C. Schultz ([dschultz@cwm-law.com](mailto:dschultz@cwm-law.com)); W. Ryan Snow ([wrsnow@cwm-law.com](mailto:wrsnow@cwm-law.com))  
**Subject:** RE: I/P Engine

Charles,

Defendants cannot agree to the multiple and unnecessary conditions you place on providing Dr. Becker for deposition. Plaintiff should provide Dr. Becker to respond to questions regarding his supplemental expert report in advance of the deadline for Defendants' opposition to Plaintiff's Motion for Post-Judgment Royalties. Plaintiff's refusal to do so prejudices Defendants' ability to respond to Plaintiff's motion, and we reserve all rights.

Defendants would be willing to agree to the following: Plaintiff agrees to sign an agreed order granting Defendants' proposed order on the pending Motion to Postpone Briefing on Post-Judgment Royalties; Plaintiff agrees to provide Dr. Becker for deposition in a reasonable time frame in advance of Defendants' deadline to file an opposition to Plaintiff's motion (when date is set); Defendants agree to provide their expert for an equal amount of deposition time, in a reasonable time frame in advance of Plaintiff's deadline to file a reply in support of its motion; each side bears its own costs for both depositions, including any expert costs. Please let us know if Plaintiff is agreeable to this proposal.

We would like to discuss this issue further in a meet and confer on Monday. Please let us know what your availability is after 1:00 p.m. PT.

Thank you,  
Emily

**Emily O'Brien**  
*Associate,*  
Quinn Emanuel Urquhart & Sullivan, LLP

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**From:** Monterio, Charles [<mailto:MonterioC@dicksteinshapiro.com>]  
**Sent:** Friday, January 11, 2013 12:40 PM  
**To:** Emily O'Brien; zz-IPEngine  
**Cc:** QE-IP Engine; Noona, Stephen E.; Donald C. Schultz ([dschultz@cwm-law.com](mailto:dschultz@cwm-law.com)); W. Ryan Snow ([wrsnow@cwm-law.com](mailto:wrsnow@cwm-law.com))  
**Subject:** RE: I/P Engine

Emily,

While I/P Engine does not believe a deposition is proper or necessary, I/P Engine will agree to make Dr. Becker available for deposition upon the following conditions: (1) Defendants withdraw their motion to postpone the briefing regarding ongoing royalties, agreeing to brief it with all other post-trial motions under the agreed-upon schedule; (2) Defendants agree to pay for Dr. Becker's time and travel (if applicable); (3) Defendants agree to a consent order and to make available for deposition any opposing expert they put forward in opposition to Dr. Becker's opinion by February 5; and (4) Defendants obtain the Court's consent, to which I/P Engine will not oppose if Defendants are agreeable to the other conditions in this email.

If Defendants are agreeable to these conditions, I/P Engine will agree to contact Dr. Becker to determine his availability. We believe that any such deposition should be limited to no more than 3 hours. Please let us know whether this is agreeable to Defendants.

**Charles**  
(202) 420-5167

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**From:** Emily O'Brien [<mailto:emilyobrien@quinnemanuel.com>]  
**Sent:** Thursday, January 10, 2013 2:58 PM  
**To:** zz-IPEngine  
**Cc:** QE-IP Engine; Noona, Stephen E.  
**Subject:** I/P Engine

Counsel,

We intend to take the deposition of Dr. Becker in connection with his declaration in support of Plaintiff's Motion for an Award of Post-Judgment Royalties. Please provide as soon as possible, and no later than close of business tomorrow, dates when Dr. Becker is available next week, or early the week of January 21.

Thank you,  
Emily

**Emily O'Brien**  
*Associate,*  
Quinn Emanuel Urquhart & Sullivan, LLP

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