

# **Exhibit C**

## Patrick Schmidt

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**From:** Levin, Gary H. (Woodcock Washburn) [levin@woodcock.com]  
**Sent:** Tuesday, March 06, 2012 7:25 AM  
**To:** Patrick Schmidt  
**Subject:** RE: February 27, 2012 Subpoena

Patrick,  
You didn't mis-understand. Microsoft is unable to make a witness available on March 8.  
Gary

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**From:** Patrick Schmidt [mailto:PatrickSchmidt@quinnemanuel.com]  
**Sent:** Monday, March 05, 2012 9:35 PM  
**To:** Levin, Gary H. (Woodcock Washburn)  
**Subject:** RE: February 27, 2012 Subpoena

Gary,

We are prepared to take our March 8<sup>th</sup> deposition on the narrowed topics I referenced last Thursday. I interpret your last email to mean that Microsoft will refuse to make a witness available. If this is the case, I must cancel travel arrangements and notify Apple. Please let me know by 12:00 PST tomorrow if I misunderstood your response.

-Patrick

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**From:** Levin, Gary H. (Woodcock Washburn) [mailto:levin@woodcock.com]  
**Sent:** Monday, March 05, 2012 2:22 PM  
**To:** Patrick Schmidt  
**Subject:** RE: February 27, 2012 Subpoena

Patrick,

I have spoken with Microsoft and we unfortunately cannot accommodate this. The issue, among other things, is that Microsoft would have to basically collect and review documents and possibly interview 7 inventors to ensure that a complete story of conception and reduction to practice is prepared so that Microsoft's interests are not prejudiced by the deposition about its own patent. This cannot be done in the time period allotted.

Gary

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**From:** Patrick Schmidt [mailto:PatrickSchmidt@quinnemanuel.com]  
**Sent:** Thursday, March 01, 2012 7:39 PM  
**To:** Levin, Gary H. (Woodcock Washburn)  
**Subject:** RE: February 27, 2012 Subpoena

Gary,

We simply cannot agree to accept an affidavit or other documents after the close of our discovery deadline. I'm sorry, but to do so would prejudice our client's ability to use whatever evidence is later forthcoming.

Perhaps we can try approaching this from a different angle. We can agree to Microsoft not producing any documents or affidavits in exchange for a short deposition as currently scheduled (March 8<sup>th</sup>). I can promise that questioning on behalf of Samsung will last no more than 2 hours. Further, I can limit the deposition topics to:

- 1.) The general timeframe of conception and reduction to practice (say within a 1-2 month range) for the six features listed below; and
- 2.) The general nature of the six features listed below, including their possible use in smart phones and other handheld devices.

--The "improved user interface for mobile devices such as smartphones, personal digital assistants (PDAs) and the like" see 2:6-8, which "can include a set of dynamic tiles." Flynt 2:15.

--The "navigation component" that "controls movement through the tile space." Flynt 6:35-49 and Claim 13.

--"Movement within the tile space need not be limited to simple vertical or horizontal panning." Flynt 10:44-45.

--"By indicating movement, the user can reposition the display screen indicator within the tile space and thereby update the portion of the tile space to be displayed." Flynt 11:32-35, and Figure 8.

--"[T]he user can select a tile and on zoom in, the selected tile can be displayed as the active tile, centered in the mobile device display screen." Flynt 11:35-37 and Claim 16.

--"Zooming out allows a user to determine current location within the tile space . . . [d]uring zoom out, smaller representations of tiles can be used to allow for the display of additional tiles within the display screen of the mobile device." Flynt 11:17-20; 11:24-27.

This proposal would spare Microsoft the need to prepare an affidavit or produce any documents whatsoever. Also, I am no longer asking for a witness to fix the date of conception with absolute precision so long as the date can be identified within a 1-2 month period. Finally, I believe this proposal further narrows the already very limited deposition topics I originally proposed.

Please let me know if this is an acceptable alternative,

**Patrick Schmidt**

*Associate*

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**From:** Levin, Gary H. (Woodcock Washburn) [<mailto:levin@woodcock.com>]  
**Sent:** Thursday, March 01, 2012 12:07 PM  
**To:** Patrick Schmidt  
**Subject:** RE: February 27, 2012 Subpoena

Patrick,

Thanks for your email. Unfortunately, we cannot commit to being able to have a declaration on the topics of your earlier email by March 8. There would be considerable work in having an inventor locate records and refresh his memory about the events and dates.

Are you offering to take the deposition off calendar if we agree to some date after March 8 for a declaration? If so, I can run that by Microsoft.

Please let me know.

Gary

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**Woodcock Washburn LLP**  
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**From:** Patrick Schmidt [<mailto:PatrickSchmidt@quinnemanuel.com>]  
**Sent:** Wednesday, February 29, 2012 10:41 PM  
**To:** Levin, Gary H. (Woodcock Washburn)  
**Cc:** Marissa Ducca  
**Subject:** RE: February 27, 2012 Subpoena

Gary,

I am following up on our second conversation today.

As I indicated on the telephone, we are amendable to dropping our request for a March 8 deposition if, in exchange, Microsoft is willing to provide us with evidence (preferably in the form of a inventor affidavit) as to the conception of the patent in question. I cannot, however, agree to take the deposition off calendar on the mere promise for you to negotiate the possibility of future document productions.

We understand Microsoft's point that this subpoena has a relatively short deadline. But we also believe that this is mitigated by the narrow scope of the demands and topics. Earlier today, I offered to drop *all* document requests in exchange for an affidavit addressing the conception of just six features disclosed in a single patent.

Of course, we hope to avoid motion practice on this matter as much as you. I hope to continue to meet and confer with you and work out a solution before the March 8 close of discovery in our case.

Thank you,

**Patrick Schmidt**

*Associate*

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## Patrick Schmidt

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**From:** Patrick Schmidt  
**Sent:** Wednesday, February 29, 2012 9:59 AM  
**To:** 'levin@woodcock.com'  
**Cc:** Marissa Ducca  
**Subject:** February 27, 2012 Subpoena

Gary,

As we discussed earlier this morning, we are most interested in establishing an invention date on U.S. Patent No. 7,933,632 (inventors: David Wayne Flynt, et al.). We would be willing to narrow all of our document requests in the February 27, 2012 subpoena to a single sworn affidavit from a named inventor that establishes the conception and reduction-to-practice date for the following concepts/features disclosed in the specification:

- The "improved user interface for mobile devices such as smartphones, personal digital assistants (PDAs) and the like" see 2:6-8, which "can include a set of dynamic tiles." Flynt 2:15.
- The "navigation component" that "controls movement through the tile space." Flynt 6:35-49 and Claim 13.
- "Movement within the tile space need not be limited to simple vertical or horizontal panning." Flynt 10:44-45.
- "By indicating movement, the user can reposition the display screen indicator within the tile space and thereby update the portion of the tile space to be displayed." Flynt 11:32-35, and Figure 8.
- "[T]he user can select a tile and on zoom in, the selected tile can be displayed as the active tile, centered in the mobile device display screen." Flynt 11:35-37 and Claim 16.
- "Zooming out allows a user to determine current location within the tile space . . . [d]uring zoom out, smaller representations of tiles can be used to allow for the display of additional tiles within the display screen of the mobile device." Flynt 11:17-20; 11:24-27.

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