
From: Wong, Helen <hwong@ftc.gov>
Sent: Wednesday, November 12, 2014 4:09 PM
To: Kosmidis, Teresa; Jim Humphrey; Ashe, Gregory; Michael Foster; Miriam E. Bailey; braden
Cc: 'ejohnson@spencerfane.com'; 'blamer@spencerfane.com'; 'Holzhueter, Kersten (kholzhueter@spencerfane.com) (kholzhueter@spencerfane.com) (kholzhueter@spencerfane.com)'; 'achase@spencerfane.com'; 'kwheeler@spencerfane.com'; 'Epps, Lisa A. (lepps@spencerfane.com)'; Luetkemeyer, Lucinda (lluetkemeyer@spencerfane.com); 'jgriffin@sakg.com' (jgriffin@sakg.com); 'Lisa Bolliger (LBolliger@sakg.com)'; Frazier, Leah; Thomas, Charles (USAMOW) (Charles.Thomas@usdoj.gov) (Charles.Thomas@usdoj.gov) (Charles.Thomas@usdoj.gov)
Subject: RE: FTC v. BF Labs

Jim,

Thank you for your email. Although Dr. Narayanan has agreed to provide services to us, we have not yet completed administrative and contracting paperwork. As a result, we are not in a position to make him available for a deposition or to require that he produce a report. If we are able to finalize the process in time so that we can retain him for the hearing, we will let you know.

Thanks,
Helen

Helen Wong
Federal Trade Commission
Phone: (202) 326-3779

From: Kosmidis, Teresa
Sent: Tuesday, November 11, 2014 10:21 AM
To: 'Jim Humphrey'; Ashe, Gregory; Michael Foster; Miriam E. Bailey; braden
Cc: 'ejohnson@spencerfane.com'; 'blamer@spencerfane.com'; 'Holzhueter, Kersten (kholzhueter@spencerfane.com) (kholzhueter@spencerfane.com) (kholzhueter@spencerfane.com)'; 'achase@spencerfane.com'; 'kwheeler@spencerfane.com'; 'Epps, Lisa A. (lepps@spencerfane.com)'; Luetkemeyer, Lucinda (lluetkemeyer@spencerfane.com); 'jgriffin@sakg.com' (jgriffin@sakg.com); 'Lisa Bolliger (LBolliger@sakg.com)'; Wong, Helen; Frazier, Leah; Thomas, Charles (USAMOW) (Charles.Thomas@usdoj.gov) (Charles.Thomas@usdoj.gov) (Charles.Thomas@usdoj.gov)
Subject: RE: FTC v. BF Labs

Hi Jim:

We just wanted to let you know that we are all currently out of the office due to the federal holiday. We will get back to you on this tomorrow.

Regards,

Teresa

From: Jim Humphrey [<mailto:JHumphrey@Polsinelli.com>]
Sent: Monday, November 10, 2014 4:46 PM
To: Ashe, Gregory; Michael Foster; Miriam E. Bailey; braden
Cc: 'ejohnson@spencerfane.com'; 'blamer@spencerfane.com'; 'Holzhueter, Kersten (kholzhueter@spencerfane.com) (kholzhueter@spencerfane.com) (kholzhueter@spencerfane.com)'; 'achase@spencerfane.com'; 'kwheeler@spencerfane.com'; 'Epps, Lisa A. (lepps@spencerfane.com)'; Luetkemeyer, Lucinda (lluetkemeyer@spencerfane.com); 'jgriffin@sakg.com' (jgriffin@sakg.com); 'Lisa Bolliger (LBolliger@sakg.com)'; Wong, Helen; Frazier, Leah; Thomas, Charles (USAMOW) (Charles.Thomas@usdoj.gov) (Charles.Thomas@usdoj.gov) (Charles.Thomas@usdoj.gov)

'kwheeler@spencerfane.com'; 'Epps, Lisa A. (lepps@spencerfane.com)'; Luetkemeyer, Lucinda (lluetskemeyer@spencerfane.com); "jgriffin@sakg.com" (jgriffin@sakg.com); 'Lisa Bolliger (LBolliger@sakg.com)'; Wong, Helen; Frazier, Leah; Kosmidis, Teresa; Thomas, Charles (USAMOW) (Charles.Thomas@usdoj.gov) (Charles.Thomas@usdoj.gov)

Subject: RE: FTC v. BF Labs

Hi Greg, you'll have the documents that you requested on Friday today.

Will the FTC be preparing an expert report for your expert Mr. Narayanan? I am trying to avoid the need to take his deposition and if we can agree on a report we *might* be able to do that. If not, I fear you will leave me no choice but to seek relief from the Court. I was hoping the FTC will not try and skirt the expert witness obligations set out in the federal rules. Please tell me you aren't proposing that you shelter his opinions and spring them on us at the hearing. Thank you. Jim

From: Ashe, Gregory [<mailto:GASHE@ftc.gov>]

Sent: Monday, November 10, 2014 3:30 PM

To: Jim Humphrey; Michael Foster; Miriam E. Bailey; braden

Cc: 'ejohnson@spencerfane.com'; 'blamer@spencerfane.com'; 'Holzhueter, Kersten (kholzhueter@spencerfane.com) (kholzhueter@spencerfane.com) (kholzhueter@spencerfane.com)'; 'achase@spencerfane.com'; 'kwheeler@spencerfane.com'; 'Epps, Lisa A. (lepps@spencerfane.com)'; Luetkemeyer, Lucinda (lluetskemeyer@spencerfane.com); "jgriffin@sakg.com" (jgriffin@sakg.com); 'Lisa Bolliger (LBolliger@sakg.com)'; Wong, Helen; Frazier, Leah; Kosmidis, Teresa; Thomas, Charles (USAMOW) (Charles.Thomas@usdoj.gov) (Charles.Thomas@usdoj.gov)

Subject: RE: FTC v. BF Labs

Counsel,

Pursuant to Section XIX of the Stipulated Interim Order, attached please find the FTC's 30(b)(6) deposition notice of BF Labs that calls for testimony relating to the Business Plan. As set forth in the notice, the deposition will start this Thursday (November 13) at 9 am (CST) at the U.S. Attorney's office in Kansas City, Missouri.

Also, when can we expect the documents requested in last week's document request? We note that under the Stipulated Interim Order, the documents are due today.

Regards,

Gregory Ashe
Senior Staff Attorney
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580
202-326-3719

This electronic mail message contains CONFIDENTIAL information which is (a) ATTORNEY - CLIENT PRIVILEGED COMMUNICATION, WORK PRODUCT, PROPRIETARY IN NATURE, OR OTHERWISE PROTECTED BY LAW FROM DISCLOSURE, and (b) intended only for the use of the Addressee(s) named herein. If you are not an Addressee, or the person responsible for delivering this to an Addressee, you are hereby notified that reading, copying, or distributing this message is prohibited. If you have received this electronic mail message in error, please reply to the sender and take the steps necessary to delete the message completely from your computer system.