

Bird, Joe

From: Andrew Maslow [andy@andymaslow.com]
Sent: Wednesday, May 21, 2014 7:45 AM
To: Bird, Joseph S.
Cc: Sykes, Paul M.; Hill, J. Rudy; JGGIGGER@stoel.com; MTRASICH@stoel.com; pclotfelter@bakerdonelson.com; John Krisik; pclotfelter@bakerdonelson.com
Subject: Re: Cablz v Croakies

Joe,

This will confirm that we are preparing for the deposition of John Krisik to take place on June 5. He will also testify on behalf of Croakies. We are trying to work with you so that there will not be a need for a second deposition of John Krisik in the Croakies action.

In order to avoid the need for an identical deposition in the Cablz v. Croakies action, Croakies will use its best efforts to provide you its Answer and Counterclaims as well as its proposed response to a Cablz First Set of Interrogatories and Request for Production of Documents and Things sent to Chums, but with respect to Croakies instead of Chums, and the Accused products sold by Croakies instead of those sold by Chums. Croakies will try to get the information to you by May 31, but the documents themselves may take more time.

We should be able to make the documents that will be produced pursuant to the Croakies subpoena available to you in Jackson by 3 PM on June 4 so you can review them prior to the deposition. At that time we will also try to produce any other documents that might be covered by Cablz first set of interrogatories and request for production of documents and things to Chums, with respect to Croakies instead of Chums.

We hope that this should enable you to take the deposition of John Krisik and Croakies on the issues of invalidity, which is common in both actions, and any issues of infringement in the Cablz v. Croakies action.

Sincerely,

Andy

Law Office of Andrew D. Maslow
Intellectual Property Law and Licensing
P.O. Box 2354
Montauk, NY 11954

P.O. Box 802
Teton Village, WY 83025

307 699-7287
email: andy@andymaslow.com

From: Andrew Maslow <andy@andymaslow.com>
To: "Bird, Joseph S." <jbird@babco.com>
Cc: "Sykes, Paul M." <psykes@babco.com>; "Hill, J. Rudy" <rhill@babco.com>; "JGGIGGER@stoel.com"

<JGGIGGER@stoel.com>; "MTRASICH@stoel.com" <MTRASICH@stoel.com>; "pclotfelter@bakerdonelson.com" <pclotfelter@bakerdonelson.com>

Sent: Tuesday, May 20, 2014 5:34 PM

Subject: Re: Cablz v Croakies

Joe,

Pat Clotfelter will be local counsel for Croakies.

I cant sign the agreement since we have objections to several of the requests for documents as well as interrogatories.

Please give me a call to see if we can work something out.

Andy

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From: "Bird, Joseph S." <jbird@babco.com>

To: "andy@andymaslow.com" <andy@andymaslow.com>

Cc: "Sykes, Paul M." <psykes@babco.com>; "Hill, J. Rudy" <rhill@babco.com>; "JGGIGGER@stoel.com" <JGGIGGER@stoel.com>; "MTRASICH@stoel.com" <MTRASICH@stoel.com>

Sent: Tuesday, May 20, 2014 3:29 PM

Subject: RE: Cablz v Croakies

Andy,

Thanks for your email.

Attached is a proposed agreement whose terms we discussed on Friday. This is ready for your signature.

We intend to go forward on June 5th either with an agreement or without. I have taken into account your need for a bit more time for providing Croakies' responses, so we have changed the proposed agreement to accommodate your request by allowing you until Saturday, May 31, five days before the deposition.

Your most recent email suggested infringement be included in the June 5 deposition and we will consider that request, and what would need to be added to the proposed agreement, if we can accept that.

Please be in touch.

Thanks,



205-521-8473 direct

From: Andrew Maslow [mailto:andy@andymaslow.com]
Sent: Monday, May 19, 2014 6:42 PM
To: Bird, Joseph S.
Cc: Sykes, Paul M.; Hill, J. Rudy; JGGIGGER@stoel.com; MTRASICH@stoel.com
Subject: Re: Cablz v Croakies

Joe,

While we would like to have the deposition of John Krisik on June 5, It would not be possible to get everything to you 7 days before the deposition. 3- 5 days would be the best we could do.

If at all possible I would like to set a firm date for the Krisik deposition. We have no problem with you asking infringement questions, and if there is need to recall John later on infringement issues not covered, that would be OK.

Please give me a call to see if we can find a date that works for everyone in case June 5 won't work.

Andy

PS. Can you identify Accused Products for Croakies? Is it just the ARC system retainers?

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From: "Bird, Joseph S." <jbird@babco.com>
To: "andy@andymaslow.com" <andy@andymaslow.com>
Cc: "Sykes, Paul M." <psykes@babco.com>; "Hill, J. Rudy" <rhill@babco.com>
Sent: Monday, May 19, 2014 10:21 AM
Subject: Cablz v Croakies

Dear Andy,

This follows our productive call on Friday. Thanks for your time.

In Cablz vs. Chums, we noticed the depositions of Croakies and John Krisik for June 5, and you and your client are available on this date, on condition we work out the following. You have proposed the Croakies/Krisik depositions also be taken on June 5 in Cablz v. Croakies on Croakies/Krisik's invalidity contentions. I have spoken with our client. Although there are details to be worked out regarding scope and mechanics, our client has asked me to pursue this with you, and reduce it to writing in a signed agreement.

As promised, attached is the initial set of discovery we served on Chums. An essential part of an agreement would be for Croakies to tell what it knows about all grounds for invalidity in advance of the deposition, to allow us to prepare. This would include Croakies' full response to some of the attached discovery requests. We

would also need Croakies responsive pleading(s) to the Complaint. We would need all this at least 7 days prior to the depositions.

I hope to send you a proposed agreement later today.

Best regards,



Joe Bird

Bradley Arant

Direct: 205-521-8473

Cell: 205-218-5033

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