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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2041	2	10/21/2005	Kanuch, Bruce M; (Nicholas, Gloria)	Anderson, Kenneth W; Cardwell, Scott; Chum, Stephen; Coker, Wayne; Dekunder, Staci; Fordyce, William; Hazlitt, Lonnie; Johnson, Mark S; Kolthammer, Brian; Krupp, Stephen; Lai, Shih-Yaw; Larsen Jr, Douglas; Markovich, Ronald P; Mcconnell, Dennis; Niemann, Debra; Nietvelt, Paul; Oswald, Thomas; Patterson, Leree; Redwine, David; Reichek, Ken; Schwartz, Roger; Stevens, James; Story, Bruce; Swogger, Kurt; Taha, Angela; Thomson, Kip; Weeks, Ron; Williams, Allen; Wright, Glenn	Kanuch, Bruce; Nicholas, Gloria; Ward, Susan	E-mail correspondence providing legal advice regarding patents-in-suit	AC
2042	1		Kanuch, Bruce M	Fitzpatrick, Ken; Glenn, Michael L; Johnson, Mark S; Korfhage, Glenn; Kreinberg, Romeo; Krupp, Stephen; Nicholas, Gloria; Schwartz, Roger; Stuart, Duncan; Swogger, Kurt; Wheeler, Scot		E-mail correspondence providing legal advice regarding case in suit	AC
2043	1	3/18/2005				Attached privileged notes prepared at the request of counsel in order to obtain legal advice	WP
2044	1		Johnson, Mark S	Kanuch, Bruce	Korfhage, Glenn; Krupp, Stephen; Roper, Harry J; Trybus, Steven R	E-mail correspondence providing information to counsel in order to obtain legal advice	AC

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2045	14					Presentation prepared by counsel providing legal advice	AC, WP
2046	21	5/11/2005				Presentation prepared by counsel providing legal advice regarding patent infringement	AC, WP
2047	1		Hazlitt, Lonnie	Johnson, Mark S		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2048	27	5/11/2005				Testing performed at the request of counsel in anticipation of litigation	WP
2049	1		Hazlitt, Lonnie	Johnson, Mark S		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2050	27					Testing performed at the request of counsel in anticipation of litigation	WP
2051	1	9/17/2006				Testing performed at the request of counsel in anticipation course of litigation	WP
2052	1	8/6/2004	Hazlitt, Lonnie	Johnson, Mark S		E-mail attaching testing performed at the request of counsel in anticipation of litigation	WP
2053	1	3/31/2005	Porter, Gregory	Glenn, Michael L	Boulware, Margaret A; Johnson, Mark S; Kanuch, Bruce; Krupp, Stephen	E-mail correspondence between counsel regarding testing performed in anticipation of litigation and reflecting attorney-client communication	AC
2054	2	12/6/2004	Johnson, Mark S; Hays, Michael	Hays, Michael; Johnson, Mark S; Wright, Glenn		E-mail correspondence regarding analysis performed at the request of counsel	WP
2055	2	5/6/2004	Johnson, Mark S	Kanuch, Bruce; Roper, Harry J		E-mail correspondence to counsel regarding work completed at the request of counsel in anticipation of litigation in order to obtain legal advice	WP, AC
2056	12	1/3/2005				Attached patent provided to counsel in order to obtain legal advice	AC
2057	1	8/31/2003	Johnson, Mark S	Conboy, Claire; Crown, Alechia; Green, Shayne; Taha, Angela		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2058	1	8/18/2003	Johnson, Mark S	Anderson, Kenneth W; Arnoudse, Peter; Bernier, Robert; Cobler, Brad; Crim, Brad; deGroot, A Willem; Dekunder, Staci; Dowling, Nicole; Eversdyk, David; Fan, Leslie; Fordyce, William; Gillespie, David; Hazlitt, Lonnie; Jain, Pradeep; Karjala, Teresa; Koch, Kaelyn; Kolthammer, Brian; Krupp, Stephen; Mcconnell, Dennis; Michie, William; Niemann, Debra; Patterson, Leree; Peters, Herbert; Ramsey, David; Sehanobish, Kalyan; Stevens, James; Story, Bruce; Vanderhider, Alan; Wooster, Jeffrey	Reichek, Ken; Turk, Thelma	E-mail correspondence regarding work planned at the request counsel in anticipation of litigation	WP
2059	29	8/17/2005				Presentation prepared at the request of counsel in anticipation of litigation regarding patent infringement	WP
2060	1	3/4/2005	Johnson, Mark S	Balke, Stephen T	Hazlitt, Lonnie; Reichek, Ken	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2061	4	2/25/2004	Kanuch, Bruce M; Nicholas, Gloria; Hollingshead, Beckie	Roper, Harry J; Trybus, Steven; Kanuch, Bruce M M; Nicholas, Gloria; Hollingshead, Beckie; Ward, Susan M; Martin, Travis	Glenn, Michael; Johnson, Mark S; Korfhage, Glenn; Ward, Susan M; Martin, Travis	E-mail correspondence providing legal advice regarding the patents-in-suit	AC

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2062	2	10/21/2005	Docking, Darrel; Hazlitt, Andrea	Carnahan, Edmund; Jorgensen, Bob; Kolthammer, Brian; Docking, Darrel; Hazlitt, Andrea	Johnson, Mark S; Van Buren, Frederik	E-mail correspondence requesting information in order to provide legal advice	AC
2063	1	1/10/2005	Johnson, Mark S; Kanuch, Bruce M	Fordyce, William; Story, Bruce; Wheeler, Scot; Fitzpatrick, Ken; Glenn, Michael L; Johnson, Mark S; Korfhage, Glenn; Kreinberg, Romeo; Krupp, Stephen; Nicholas, Gloria; Schwartz, Roger; Stuart, Duncan; Swogger, Kurt W		E-mail correspondence forwarding legal advice of B Kanuch regarding present litigation	AC
2064	1		Johnson, Mark S; Williams, Allen	Hazlitt, Lonnie; Johnson, Mark S		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2065	6					Testing performed at the request of counsel in anticipation of litigation	WP
2066	6	1/10/2005				Testing performed at the request of counsel in anticipation of litigation	WP
2067	6					Testing performed at the request of counsel in anticipation of litigation	WP
2068	6					Testing performed at the request of counsel in anticipation of litigation	WP
2069	6					Testing performed at the request of counsel in anticipation of litigation	WP
2070	6	2/24/2005				Testing performed at the request of counsel in anticipation of litigation	WP
2071	2	2/23/2005	Kanuch, Bruce M; Martinez, Selso	Roper, Harry J; Trybus, Steven; Kanuch, Bruce M M	Johnson, Mark S; Krupp, Stephen	E-mail correspondence between counsel providing information regarding patents-in-suit in order to obtain legal advice	AC
2072	13	12/13/2004	Martinez, Selso	Kanuch, Bruce M		Information regarding the patents-in-suit gathered at the request of counsel in anticipation of litigation in order to obtain legal advice	AC, WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2073	3	5/6/2004	Johnson, Mark S; Kanuch, Bruce M	Kanuch, Bruce; Roper, Harry	Johnson, Mark S	E-mail correspondence regarding work performed in anticipation of litigation in order to obtain legal advice	AC, WP
2074	12	8/4/2003				Attached patent provided to counsel in order to obtain legal advice	AC
2075	2	8/7/2003	Johnson, Mark S	Sanchez, Ruben	Dekunder, Staci; Gibbons, Julie; Niemann, Debra	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2076	2	4/14/2005	Sanchez, Ruben	Johnson, Mark S	Cassiday, Mike; Dekunder, Staci; Gibbons, Julie; Niemann, Debra	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2077	2	4/13/2005	Johnson, Mark S; Kanuch, Bruce M	Krupp, Stephen; Story, Bruce; Schwartz, Roger	Glenn, Michael L; Johnson, Mark S	E-mail correspondence regarding legal advice of B Kanuch regarding the present litigation	AC
2078	3	4/14/2005	Kanuch, Bruce M	Schwartz, Roger		Attached correspondence providing legal advice of B Kanuch regarding the present litigation	AC
2079	1	10/21/2005	Johnson, Mark S	Kanuch, Bruce	Krupp, Stephen	E-mail correspondence summarizing work performed in anticipation of litigation provided to counsel in order to obtain legal advice	AC, WP
2080	2	10/13/2005	Johnson, Mark S	Fordyce, William; Krupp, Stephen; Story, Bruce; Kanuch, Bruce M		E-mail correspondence forwarding the legal advice of B Kanuch regarding the present litigation	AC
2081	1	10/21/2005	Trybus, Steven R	Kanuch, Bruce	Johnson, Mark S; Roper, Harry J; Nimrod, Raymond N.; Barlow, Aaron A; Marinelli, Joseph F; Kiel, Kristopher R.; Johnson, Mark S	E-mail correspondence between counsel requesting legal advice in present litigation	AC
2082	4	8/27/2004				Attached draft legal filing provided with request for legal advice	AC
2083	1		Johnson, Mark S; Taha, Angela	Hazlitt, Lonnie; Johnson, Mark S	Taha, Angela	E-mail correspondence regarding testing performed at the request of counsel in anticiipation of litigation	WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2084	6	1/14/2005				Testing performed at the request of counsel in anticipation of litigation	WP
2085	1	1/12/2005	Taha, Angela; Zhou, Zhe	Johnson, Mark S; Conboy, Claire	Conboy, Claire; Crown, Alechia; Green, Shayne; Zhou, Zhe; Taha, Angela	E-mail correspondence regarding testing performed at the request of counsel in anticiipation of litigation	WP
2086	3	12/5/2005		Taha, Angela		Testing performed at the request of counsel in anticipation of litigation	WP
2087	2		Kanuch, Bruce; Johnson, Mark S	Glenn, Michael L; Kanuch, Bruce M	Johnson, Mark S	E-mail correspondence providing legal advice regarding the present litigation	AC
2088	21	4/8/2005	Kanuch, Bruce M			Attached presentation prepared by counsel providing legal advice regarding patent infringement	AC, WP
2089	26	4/14/2005				Attached presentation prepared by counsel providing legal advice regarding patent infringement	AC, WP
2090	22	11/19/2004	Kanuch, Bruce M			Attached presentation prepared by counsel providing legal advice regarding patent infringement	AC, WP
2091	3		Odonnell, Brian P; Kanuch, Bruce M	Kanuch, Bruce; O'Donnell, Brian P.	Johnson, Mark S; Krupp, Stephen; Roper, Harry J; Trybus, Steven R	E-mail correspondence providing legal advice regarding present patent infringement dispute	AC
2092	56	11/30/2004	Roper, Harry J			Attached presentation providing legal advice regarding present patent infringement dispute prepared by counsel in anticipation of litigation	AC, WP
2093	4	10/29/2004	Odonnell, Brian P; Kanuch, Bruce M	Kanuch, Bruce; O'Donnell, Brian P.	Johnson, Mark S; Krupp, Stephen; Roper, Harry J; Trybus, Steven R	E-mail correspondence providing legal advice regarding present patent infringement dispute	AC
2094	7	10/13/2004				Attached sample court filing provided with legal advice	AC, WP
2095	8	5/16/2005				Attached sample court filing provided with legal advice	AC, WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2096	2		Kanuch, Bruce M; Martin, Travis	Johnson, Mark S; Kanuch, Bruce M M		E-mail correspondence requesting information in order to provide legal advice regarding patent infringement	AC
2097	1	4/22/2003				Attached slide with request of information in order to provide legal advice	AC
2098	1		Johnson, Mark S; Story, Bruce	Billings, Mike; Dekunder, Staci; Larsen Jr, Douglas; Mcconnell, Dennis; Niemann, Debra; Nietvelt, Paul; Patterson, Leree; Hazlitt, Andrea; Johnson, Mark S	Bellmore, David; Cobler, Brad; Kardos, Lori; Story, Bruce; Weeks, Ron	E-mail correspondence providing information to A Hazlitt in order to obtain legal advice	AC
2099	1	2/7/2005				Attached internet links provided to counsel in order to obtain legal advice	AC
2100	2		Hays, Michael; Johnson, Mark S	Johnson, Mark S; Hays, Michael	Wright, Glenn	E-mail correspondence regarding analysis performed at the request of counsel in anticipation of litigation	WP
2101	4	4/14/2005				Attached analysis performed at the request of counsel in anticipation of litigation	WP
2102	3		Johnson, Mark S	Kanuch, Bruce; Krupp, Stephen; Roper, Harry	Hazlitt, Lonnie; Turk, Thelma	E-mail correspondence regarding articles provided to counsel in order to obtain legal advice	AC
2103	15					Article provided to counsel in order to obtain legal advice	AC
2104	17					Article provided to counsel in order to obtain legal advice	AC
2105	12	9/23/2003				Article provided to counsel in order to obtain legal advice	AC
2106	1	5/29/2003	Johnson, Mark S; Reichek, Ken	Sehanobish, Kalyan; Johnson, Mark S	Reichek, Ken	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2107	2	7/28/2005	Johnson, Mark S; Story, Bruce; Johnson, Mark S	Billings, Mike; Dekunder, Staci; Larsen Jr, Douglas; Mcconnell, Dennis; Niemann, Debra; Nietvelt, Paul; Patterson, Leree; Wright, Glenn; Story, Bruce; Johnson, Mark S	Bellmore, David; Cobler, Brad; Dowling, Nicole; Kardos, Lori; Koch, Kaelyn; Krupp, Stephen; PetersIII, Herbert; Presa, John; Ramsey, David; Smith, Dave; Wooster, Jeffrey	E-mail correspondence regarding work performed at the request of counsel in anticipation of litigation	WP
2108	1	6/15/2005	Reichek, Ken; Gupta, Pankaj	Johnson, Mark S; Reichek, Ken		E-mail correspondence providing expert information at the request of counsel in anticipation of litigation in order to obtain legal advice	AC, WP
2109	1		Johnson, Mark S; Nelson, Mike	Coker, Wayne; Conboy, Claire; Green, Shayne; Hazlitt, Lonnie; Reichek, Ken; Taha, Angela; Zhou, Zhe; Johnson, Mark S		E-mail correspondence regarding testing performed at the request counsel in anticipation of litigation	WP
2110	7					Testing performed at the request of counsel in anticipation of litigation	WP
2111	1	12/20/2003				Testing performed at the request of counsel in anticipation of litigation	WP
2112	1	7/21/2003	Johnson, Mark S	Glenn, Michael L	Krupp, Stephen; Story, Bruce	E-mail correspondence providing information in order to obtain legal advice regarding patent infringement	AC
2113	34	12/1/2003				Attached patent provided with legal advice	AC
2114	16	8/29/2003				Attached patent provided with legal advice	AC
2115	14	12/19/2003				Attached patent provided with legal advice	AC
2116	22	4/18/2005	Johnson, Mark S			Attached privileged presentation prepared at the request of counsel in anticipation of litigation	WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2117	1	4/18/2005	Johnson, Mark S	Kanuch, Bruce		E-mail correspondence providing counsel requested competitive information in order to obtain legal advice	AC, WP
2118	1	4/18/2005	Hays, Michael	Johnson, Mark S; Schwartz, Roger		E-mail attaching competitive information requested by counsel in anticipation of litigation	WP
2119	2	4/17/2005	Pirtle, Shaun; Laehu, Joe; Hays, Michael	Hays, Michael; Laehu, Joe; Gibbons, Julie; Kardos, Lori; Pirtle, Shaun E; Cobler, Brad	Cobler, Brad; Fernandez, Tomas; Gibbons, Julie; Kardos, Lori; Roth, Christine	Attached correspondence containing requested competitive information gathered in anticipation of litigation in order to obtain legal advice	AC, WP
2120	2	4/15/2005	Nietvelt, Paul; Thomson, Kip; Hays, Michael	Hays, Michael; Thomson, Kip; Laehu, Joe	Nietvelt, Paul	Attached correspondence containing requested competitive information gathered in anticipation of litigation in order to obtain legal advice	AC, WP
2121	1	8/3/2004	Thomson, Kip; Hays, Michael	Hays, Michael; Thomson, Kip; Laehu, Joe		Attached correspondence containing requested competitive information gathered in anticipation of litigation in order to obtain legal advice	AC, WP
2122	1	7/18/2003	Johnson, Mark S	Chum, Stephen; Lai, Shih-Yaw; Sehanobish, Kalyan; Wu, Shaofu	Hazlitt, Lonnie; Patel, Rajen	E-mail correspondence sent to counsel in order to obtain legal advice	AC

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2123	2	4/11/2005	Johnson, Mark S	Anderson, Kenneth W; Bernier, Robert; Cobler, Brad; Crim, Brad; deGroot, A Willem; Dekunder, Staci; Dowling, Nicole; Eversdyk, David; Fordyce, William; Gillespie, David; Hazlitt, Lonnie; Jain, Pradeep; Karjala, Teresa; Koch, Kaelyn; Kolthammer, Brian; Krupp, Stephen; Mcconnell, Dennis; Niemann, Debra; Ramsey, David; Sehanobish, Kalyan; Story, Bruce; Wooster, Jeffrey	Turk, Thelma	E-mail correspondence providing information in order to obtain legal advice and regarding testing performed at the request of counsel in anticipation of litigation	AC, WP
2124	1		Johnson, Mark S	Hays, Michael	Glenn, Michael; Kanuch, Bruce; Schwartz, Roger	E-mail correspondence regarding slides prepared at the request of counsel in anticipation of litigation regarding patent infringement	WP
2125	6	6/8/2004				Attached slides prepared at the request of counsel in anticipation of litigation regarding patent infringement	WP
2126	3	2/16/2004	Patel, Rajen	Johnson, Mark S		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2127	1	10/27/2003	Johnson, Mark S	Hazlitt, Lonnie; Reichek, Ken; Williams, Allen		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2128	17	3/3/2005				Testing performed at the request of counsel in anticipation of litigation	WP
2129	1		Reichek, Ken	Hazlitt, Lonnie; Johnson, Mark S		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2130	67					Testing performed at the request of counsel in anticipation of litigation	WP

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2131	66					Testing performed at the request of counsel in anticipation of litigation	WP
2132	68	2/2/2005				Testing performed at the request of counsel in anticipation of litigation	WP
2133	2	4/14/2005	Zhou, Zhe	Johnson, Mark S; Taha, Angela	Zhou, Zhe	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2134	1	4/13/2005	Kanuch, Bruce M	Schwartz, Roger	Glenn, Michael; Johnson, Mark S	E-mail correspondence providing legal advice regarding patent infringement	AC
2135	3	4/14/2005	Kanuch, Bruce M	Schwartz, Roger		Attached correspondence providing legal advice regarding patent infringement	AC, WP
2136	1	10/5/2004	Johnson, Mark S	Kanuch, Bruce	Krupp, Stephen	Attached correspondence providing information in order to obtain legal advice	AC, WP
2137	1	10/5/2004	Kanuch, Bruce M	Johnson, Mark S; Krupp, Stephen	Glenn, Michael; Porter, Greg	E-mail from attorney providing attachment and containing legal advice regarding patent infringement	AC
2138	1	8/2/2004				Email atttachment provided by counsel to support legal advice given	AC
2139	1	6/8/2005	Kanuch, Bruce M	Johnson, Mark S		Email requesting information in order to provide legal advice and reflecting attorney-client communications with B Kanuch, Esq	AC
2140	1	5/25/2005	Kanuch, Bruce M	Schwartz, Roger	Johnson, Mark S; Roper, Harry J	E-mail correspondence providing legal advice regarding present litigation	AC
2141	1	2/25/2005	Fordyce, William	Glenn, Michael L	Johnson, Mark S; Schwartz, Roger; Story, Bruce; Swogger, Kurt	E-mail correspondence providing information to counsel in order to obtain legal advice	AC
2142	1	6/10/2004	Kanuch, Bruce M	Johnson; Krupp, Stephen; Mark; Roper, Harry J; Trybus, Steven		E-mail correspondence providing legal advice regarding patent infringement	AC, WP
2143	1	6/10/2004	Johnson, Mark S	Wright, Glenn		E-mail correspondence regarding presentation prepared at the request of counsel in anticipation of litigation	WP
2144	24	6/22/2004	Johnson, Mark S			Presentation prepared at the request of counsel in anticipation of litigation	WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2145	5	8/2/2004	Johnson, Mark S	Fordyce, William; Glenn, Michael L; Kanuch, Bruce; Krupp, Stephen; Schwartz, Roger; Story, Bruce; Wright, Glenn	Porter, Greg	E-mail correspondence providing article to counsel in order to obtain legal advice	AC
2146	1	7/1/2004	Porter, Gregory	Johnson, Mark S		E-mail correspondence providing data collected at the request of an attorney in anticipation of litigation	WP
2147	21	8/2/2004				Data collected at the request of an attorney in anticipation of litigation	WP
2148	1		Porter, Gregory	Johnson, Mark S		Email from attorney with attached work product prepared in anticipation of litigation	WP
2149	2	4/19/2005				Data collected at the request of an attorney in anticipation of litigation	WP
2150	1	4/18/2005	Johnson, Mark S	Schwartz, Roger	Glenn, Michael; Hays, Michael; Kanuch, Bruce; Krupp, Stephen; Mcalindon, Julie; Story, Bruce	E-mail correspondence providing information requested by counsel in order to obtain legal advice regarding patent infringement	AC, WP
2151	2	3/21/2003				Attached notes providing information to counsel in order to obtain legal advice	WP
2152	37	11/30/1999				Attached R&D report provided to counsel in order to obtain legal advice	AC
2153	29	2/16/2004	Van Dun J; Weeks, Ron; Wu, S			Attached R&D report provided to counsel in order to obtain legal advice	AC
2154	1	2/13/2004	Johnson, Mark S	Glenn, Michael L; Kanuch, Bruce; Krupp, Stephen; Porter, Greg; Story, Bruce	Hazlitt, Lonnie; Reichek, Ken; Williams, Allen	E-mail correspondence providing presentation to counsel in order to obtain legal advice	AC
2155	6	12/20/2004	Johnson, Mark S			Attached presentation provided to counsel in order to obtain legal advice	AC, WP
2156	1	8/5/2005	Krupp, Stephen	Kanuch, Bruce; Nicholas, Gloria	Johnson, Mark S	E-mail correspondence providing legal advice regarding a patent-in-suit	AC

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2157	2		Johnson, Mark S; Gibbons, Julie	Anderson, Kenneth W; Cobler, Brad; Cotton, Robert; Eckel, Jason; Hazlitt, Lonnie; Heard, Mark; Larsen Jr, Douglas; Mcconnell, Dennis; Nietvelt, Paul; Reichek, Ken; Johnson, Mark S	Collick, Scott; Fordyce, William; Gibbons, Julie; Kanuch, Bruce; Krupp, Stephen; Marinelli, Joseph F; Mcalindon, Julie; Niemann, Debra; Roper, Harry J; Schwartz, Roger; Story, Bruce; Trybus, Steven; Niemann, Debra; Fernandez, Tomas	E-mail correspondence to counsel providing information in order to obtain legal advice	AC
2158	1	12/1/2004				Attached information provided to counsel in order to obtain legal advice	AC
2159	1	5/6/2004	Johnson, Mark S	Anderson, Kenneth W; Chum, Stephen; Hazlitt, Lonnie; Jain, Pradeep; Kolthammer, Brian; Krupp, Stephen; Lai, Shih-Yaw; Markovich, Ronald P; Mcconnell, Dennis; Niemann, Debra; Oswald, Thomas; Weeks, Ron		E-mail correspondence requesting advice of counsel regarding patent infringement	AC
2160	12	10/20/2004				Patent provided at the request of counsel in order to request information in order to provide legal advice	AC
2161	1	6/1/2005	Johnson, Mark S	Roper, Harry	Glenn, Michael; Kanuch, Bruce; Krupp, Stephen; Story, Bruce	E-mail correspondence providing information to counsel in order to obtain legal advice	AC
2162	1	8/21/2001	Johnson, Mark S	Barlow, Aaron A; Kanuch, Bruce; Roper, Harry; Trybus, Steven	Balke, Stephen T; Hazlitt, Lonnie; Krupp, Stephen	E-mail correspondence providing information to counsel in order to obtain legal advice	AC
2163	9	2/11/2005				Attached patent provided to counsel in order to obtain legal advice	AC

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2164	1	10/23/2003	Johnson, Mark S; Fordyce, William	Silva, Maria Clara; Wu, T J; Johnson, Mark S	Fordyce, William	E-mail correspondence forwarding work product prepared at the request of counsel in anticipation of litigation	WP
2165	24	4/15/2004	Johnson, Mark S			Attached presentation prepared at the request of counsel in anticipation of litigation	WP
2166	42	4/30/2004	Johnson, Mark S			Attached presentation prepared at the request of counsel in anticipation of litigation	WP
2167	18	4/30/2004	Johnson, Mark S			Attached presentation prepared at the request of counsel in anticipation of litigation	WP
2168	19	7/26/2004	Johnson, Mark S			Attached presentation prepared at the request of counsel in anticipation of litigation	WP
2169	10	3/14/2005	Johnson, Mark S			Attached presentation prepared at the request of counsel in anticipation of litigation	WP
2170	1	1/14/2005	Coker, Wayne	Johnson, Mark S		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2171	1	1/14/2005	Jones, Laura	Yusuf, Siaka	Johnson, Mark S	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2172	5	2/11/2005				Testing performed at the request of counsel in anticipation of litigation	WP
2173	1	4/17/2005	Johnson, Mark S	Story, Bruce		E-mail correspondence regarding financial information prepared at the request of counsel in anticipation of litigation	WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2174	2	2/7/2005	Johnson, Mark S; Gibbons, Julie	Glenn, Michael L; Kanuch, Bruce; Roper, Harry J; Trybus, Steven; Cotton, Robert; Thomson, Kip; Johnson, Mark S; Krupp, Stephen; Mergenhagen, Laura; Laehu, Joe; Niemann, Debra	Hays, Michael; Krupp, Stephen; Mcalindon, Julie; Schwartz, Roger; Story, Bruce; Wooster, Jeffrey J; Fernandez, Tomas	E-mail correspondence providing information to counsel in anticipation of litigation in order to obtain legal advice	AC, WP
2175	1	2/4/2005	Johnson, Mark S	Wright, Glenn		E-mail correspondence regarding presentation prepared at the request of counsel in anticipation of litigation	WP
2176	1	10/2/2003	Johnson, Mark S			Notes for presentation prepared at the request of counsel in anticipation of litigation	WP
2177	1	2/7/2005	Johnson, Mark S	Beil, Robert; Fordyce, William; Glenn, Michael L; Kreinberg, Romeo; Schwartz, Roger; Sexton, Diane; Story, Bruce; Swogger, Kurt; Vanderhider, Alan	Anderson, Kenneth W; Bernier, Robert; Billings, Mike; deGroot, A Willem; Dekunder, Staci; Gillespie, David; Hazlitt, Lonnie; Koch, Kaelyn; Kolthammer, Brian; Krupp, Stephen; Larsen, Douglas; Mcconnell, Dennis; Michie, William; Niemann, Debra; Nietvelt, Paul; Patterson, Leree; Reichek, Ken; Sehanobish, Kalyan; Wright, Glenn	E-mail correspondence regarding financial analysis performed at the request of counsel in anticipation of litigation	AC, WP
2178	1		Johnson, Mark S	Hays, Michael	Wright, Glenn	E-mail correspondence regarding financial analysis performed at the request of counsel in anticipation of litigation	WP

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2179	4	2/3/2005				Financial analysis performed at the request of counsel in anticipation of litigation	WP
2180	1	5/27/2005	Johnson, Mark S	Chum, Stephen	Krupp, Stephen	E-mail correspondence reflecing attorney-client communications and requesting information in order to provide legal advice regarding patent infringement	AC, WP
2181	1	5/26/2005	Zhou, Zhe	Green, Shayne; Johnson, Mark S		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2182	1	7/20/2005	Zhou, Zhe	Conboy, Claire; Green, Shayne; Johnson, Mark S; Taha, Angela	Coker, Wayne; Crown, Alechia; Hazlitt, Lonnie; Reichek, Ken	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2183	1		Zhou, Zhe	Coker, Wayne; Conboy, Claire; Green, Shayne; Hazlitt, Lonnie; Johnson, Mark S; Taha, Angela		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2184	8	8/31/2003				Testing performed at the request of counsel in anticipation of litigation	WP
2185	1	8/18/2003	Johnson, Mark S	Billings, Mike; Dekunder, Staci; Larsen Jr, Douglas; Mcconnell, Dennis; Niemann, Debra; Nietvelt, Paul; Patterson, Leree; Wright, Glenn		E-mail correspondence regarding presentation prepared at the request of counsel in anticipation of litigation	WP
2186	29	4/29/2005				Presentation prepared at the request of counsel in anticipation of litigation	WP
2187	2	4/29/2005	Zhou, Zhe; Johnson, Mark S	Conboy, Claire; Green, Shayne; Johnson, Mark S; Taha, Angela; Zhou, Zhe	Coker, Wayne; Crown, Alechia; Hazlitt, Lonnie; Reichek, Ken	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2188	2	1/28/2005	Green, Shayne; Johnson, Mark S; Zhou, Zhe	Conboy, Claire; Johnson, Mark S; Taha, Angela; Zhou, Zhe; Green, Shayne	Coker, Wayne; Crown, Alechia; Hazlitt, Lonnie; Reichek, Ken	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP

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2189	1	7/27/2005	Conboy, Claire; Zhou, Zhe	Crown, Alechia; Green, Shayne; Johnson, Mark S; Taha, Angela; Zhou, Zhe; Conboy, Claire	Hazlitt, Lonnie; Reichek, Ken	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2190	5	5/31/2005	Trybus, Steven R; Johnson, Mark S; Kanuch, Bruce M	Johnson, Mark S; Kanuch, Bruce; Marinelli, Joseph F; Trybus, Steven	Krupp, Stephen; Roper, Harry J; Kanuch, Bruce M	E-mail correspondence between counsel regarding experts providing legal advice in the present litigation	AC
2191	1	2/17/2004	Kanuch, Bruce M; Johnson, Mark S	Johnson, Mark S; Kanuch, Bruce M M		E-mail correspondence providing advice of counsel regarding patent infringement	AC
2192	1	6/21/2005	Gillespie, David; Johnson, Mark S	Johnson, Mark S; Gillespie, David	Reichek, Ken	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2193	2	3/31/2005	Green, Shayne; Johnson, Mark S; Coker, Wayne	Johnson, Mark S; Green, Shayne; Coker, Wayne; Reichek, Ken; Nelson, Mike	Zhou, Zhe; Conboy, Claire; Hazlitt, Lonnie; Taha, Angela; Green, Shayne	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2194	1	1/5/2005	Johnson, Mark S; Trybus, Steven R	Kanuch, Bruce; Trybus, Steven R; Johnson, Mark S	Krupp, Stephen; Marinelli, Joseph F; Roper, Harry J	E-mail correspondence providing information to counsel in order to obtain legal advice	AC

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2195	3	2/25/2005	Nicholas, Gloria	Anderson, Kenneth W; Cardwell, Scott; Chum, Stephen; Coker, Wayne; Dekunder, Staci; Fordyce, William; Hazlitt, Lonnie; Johnson, Mark S; Kolthammer, Brian; Krupp, Stephen; Lai, Shih-Yaw; Larsen Jr, Douglas; Markovich, Ronald P; Mcconnell, Dennis; Niemann, Debra; Nietvelt, Paul; Oswald, Thomas; Patterson, Leree; Redwine, David; Reichek, Ken; Schwartz, Roger; Stevens, James; Story, Bruce; Swogger, Kurt; Taha, Angela; Thomson, Kip; Weeks, Ron; Williams, Allen; Wright, Glenn	Kanuch, Bruce; Korfhage, Glenn; Ward, Susan; Ward, Susan M; Nicholas, Gloria	E-mail correspondence providing legal advice of B Kanuch regarding present litigation	AC
2196	3	3/1/2005	Trybus, Steven R; Roper, Harry J; Krupp, Stephen; Johnson, Mark S; Martinez, Selso	Johnson, Mark S; Kanuch, Bruce; Krupp, Stephen; Roper, Harry J; Trybus, Steven	Krupp, Stephen; Johnson, Mark S	E-mail correspondence providing legal advice regarding the patents-in-suit	AC
2197	1	8/4/2005	Trybus, Steven R; Johnson, Mark S	Johnson, Mark S; Trybus, Steven	Kanuch, Bruce; Krupp, Stephen; Roper, Harry J	E-mail correspondence providing legal advice regarding expert	AC
2198	1	2/25/2005	Trybus, Steven R; Johnson, Mark S	Johnson, Mark S; Marinelli, Joseph F; Roper, Harry J; Trybus, Steven	Kanuch, Bruce; Kiel, Kristopher R	E-mail correspondence providing legal advice regarding expert	AC
2199	1		Hays, Michael; Johnson, Mark S	Johnson, Mark S; Hays, Michael	Wright, Glenn	E-mail correspondence regarding financial information prepared at the request of counsel in anticipation of litigation	WP

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2200	5	4/4/2005				Attached financial information prepared at the request of counsel in anticipation of litigation	WP
2201	3	2/25/2005	Hays, Michael; Johnson, Mark S	Johnson, Mark S; Hays, Michael		E-mail correspondence regarding financial information prepared at the request of counsel in anticipation of litigation	WP
2202	2	9/2/2003	Johnson, Mark S; Hays, Michael	Hays, Michael; Johnson, Mark S	Wright, Glenn	E-mail correspondence regarding financial information prepared at the request of counsel in anticipation of litigation	WP
2203	1	9/2/2003	Story, Bruce	Johnson, Mark S		E-mail correspondence regarding information gathered at the request of counsel in anticipation of litigation in order to provide legal advice	AC, WP
2204	1	7/21/2005	Vanderhider, Alan	Johnson, Mark S		E-mail correspondence regarding information gathered at the request of counsel in anticipation of litigation in order to provide legal advice	AC, WP
2205	4	7/8/2005	Kanuch, Bruce M; Johnson, Mark S; Schwartz, Roger	Johnson, Mark S; Kanuch, Bruce M M; Schwartz, Roger; Stuart, Duncan; Glenn, Michael L	Stuart, Duncan; Glenn, Michael; Roper, Harry J; Johnson, Mark S	E-mail correspondence providing legal advice regarding the present litigation	AC, WP
2206	1	6/20/2005	Kanuch, Bruce M			Attached notes providing legal advice regarding the present litigation	AC, WP
2207	2	7/15/2005	Kanuch, Bruce M			Attached memorandum providing legal advice regarding the present litigation	AC, WP
2208	3	10/14/2005	Kanuch, Bruce M; Schwartz, Roger	Schwartz, Roger; Kanuch, Bruce M M; Stuart, Duncan; Glenn, Michael L	Glenn, Michael; Johnson, Mark S; Roper, Harry J; Stuart, Duncan	E-mail correspondence providing legal advice regarding the present litigation	AC, WP
2209	3	12/23/2003	Johnson, Mark S; Kanuch, Bruce M; Balke, Stephen T	Kanuch, Bruce; Johnson, Mark S	Roper, Harry J; Trybus, Steven; Johnson, Mark S	E-mail correspondence provided to counsel regarding work performed at the request of counsel in anticipation of litigation in order to obtain legal advice	AC, WP

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2210	2	12/19/2003	Johnson, Mark S; Glenn, Michael L	Glenn, Michael L; Johnson, Mark S	Hoppe, James; Krupp, Stephen; Story, Bruce	Email correspondence reflecting attorney-client communications with M Glenn, Esq and attaching attorney-client communication reflecting legal opinions of S Krupp, Esq and J Hoppe, Esq	AC
2211	1	2/19/2004	Krupp, Stephen	Johnson, Mark S		Attachment to E-mail providing legal analysis of counsel	AC
2212	1	8/4/2004	Glenn, Michael L; Raab, Jane	Raab, Jane; Glenn, Michael L	Johnson, Mark S; Krupp, Stephen; Story, Bruce	E-mail correspondence regarding work performed at the request of counsel in anticipation of litigation	WP
2213	1	1/13/2004	Wu, Shaofu; Johnson, Mark S	Chum, Stephen; Johnson, Mark S; Lai, Shih-Yaw; Sehanobish, Kalyan; Wu, Shaofu	Hazlitt, Lonnie; Patel, Rajen	E-mail correspondence at the request of counsel in anticipation of litigation regarding experts	WP
2214	1	1/19/2004	Johnson, Mark S; Story, Bruce	Krupp, Stephen; Story, Bruce; Johnson, Mark S	Hocutt, Pamela; Glenn, Michael	E-mail correspondence regarding meeting scheduled in order to obtain legal advice	AC, WP
2215	2	9/24/2003				Attached meeting agenda to obtain legal advice	AC, WP
2216	2	11/14/2003	Marroquin, Deborah; Johnson, Mark S; Reichek, Ken	Johnson, Mark S; Marroquin, Deborah; Sehanobish, Kalyan	Patel, Rajen; Reichek, Ken	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2217	1	6/10/2005	Hazlitt, Lonnie; Johnson, Mark S	Johnson, Mark S; Hazlitt, Lonnie		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2218	2	6/15/2005	Zhou, Zhe; Johnson, Mark S	Conboy, Claire; Johnson, Mark S; Taha, Angela; Zhou, Zhe	Hazlitt, Lonnie; Reichek, Ken; Coker, Wayne	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2219	3	7/22/2005	Hazlitt, Lonnie; Conboy, Claire; Johnson, Mark S; Taha, Angela; Zhou, Zhe	Conboy, Claire; Johnson, Mark S; Taha, Angela; Zhou, Zhe	Hazlitt, Lonnie; Reichek, Ken; Coker, Wayne	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2220	3	4/18/2005	Johnson, Mark S; Marinelli, Joseph F	Marinelli, Joseph F; Johnson, Mark S	Hazlitt, Lonnie; Kanuch, Bruce; Krupp, Stephen; Reichek, Ken; Roper, Harry J; Trybus, Steven R	E-mail correspondence providing information to counsel in order to obtain legal advice regarding patent infringement	AC

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2221	3	10/18/2005	Kanuch, Bruce M; Hoppe, James; Gold, Solomon M	Roper, Harry J; Kanuch, Bruce M M; Krupp, Stephen	Johnson, Mark S	E-mail correspondence providing legal advice regarding the patents-in-suit	AC
2222	2	10/14/2005	Johnson, Mark S; Story, Bruce; Kanuch, Bruce M	Krupp, Stephen; Story, Bruce; Johnson, Mark S; Roper, Harry J; Smith, Rodger; Trybus, Steven	Johnson, Mark S	E-mail correspondence providing legal advice regarding the present litigation	AC, WP
2223	2	7/7/2005	Smith, Rodger D; Trybus, Steven R	Kanuch, Bruce; Trybus, Steven R	Johnson, Mark S; Roper, Harry J; Nimrod, Raymond N; Barlow, Aaron A; Marinelli, Joseph F; Kiel, Kristopher R; Johnson, Mark S	E-mail correspondence providing legal advice regarding the present litigation	AC, WP
2224	2	7/7/2005	Trybus, Steven R; Johnson, Mark S; Kanuch, Bruce M; Marinelli, Joseph F	Johnson, Mark S; Kanuch, Bruce; Marinelli, Joseph F; Roper, Harry J	Trybus, Steven	E-mail correspondence providing legal advice regarding the present litigation	AC, WP
2225	2	6/4/2005	Kanuch, Bruce M; Johnson, Mark S; Marinelli, Joseph F	Johnson, Mark S; Marinelli, Joseph F; Kanuch, Bruce M M	Trybus, Steven	E-mail correspondence providing legal advice regarding the present litigation	AC
2226	1	4/19/2005	Schwartz, Roger; Fordyce, William	Fordyce, William; Glenn, Michael L	Johnson, Mark S; Story, Bruce; Swogger, Kurt	E-mail correspondence responding to legal advice and requesting additional legal advice regarding the present litigation	AC
2227	1	4/11/2005	Johnson, Mark S; Kanuch, Bruce M	Hays, Michael; Kanuch, Bruce	Johnson, Mark S	E-mail correspondence with counsel providing information in order to obtain legal advice regarding present litigation	AC
2228	2		Johnson, Mark S; Kanuch, Bruce M	Kanuch, Bruce; Krupp, Stephen	Roper, Harry J; Johnson, Mark S	E-mail to attorneys seeking legal advice	AC
2229	11	4/1/2005				Document attached to E-mail sent to attorneys seeking legal advice	AC
2230	2	3/24/2005	Johnson, Mark S; Kanuch, Bruce M	Kanuch, Bruce; Roper, Harry J; Johnson, Mark S		Email to attorneys seeking legal advice	AC
2231	1	2/11/2005	Johnson, Mark S; Trybus, Steven R	Trybus, Steven R; Johnson, Mark S	Kanuch, Bruce; Marinelli, Joseph F; Roper, Harry J	Email to attorneys seeking legal advice	AC

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2232	2		Johnson, Mark S; Story, Bruce; Fordyce, William	Fordyce, William; Glenn, Michael L; Story, Bruce; Johnson, Mark S	Korfhage, Glenn; Johnson, Mark S; Story, Bruce	Email to attorneys seeking legal advice	AC
2233	4					Spreadsheet containing data generated at request of attorneys in anticipation of litigation and attached to E-mail to attorneys seeking legal adivce	AC/WP
2234	1	9/5/2003				Strategy document created by attorneys in anticipation of litigation	WP
2235	2	3/2/2005	Fordyce, William; Johnson, Mark S	Johnson, Mark S; Fordyce, William		Email correspondence regarding presentation	WP
2236	2	9/6/2005	Kanuch, Bruce M	Johnson; Kanuch, Bruce M; Krupp, Stephen; Mark; Roper, Harry J; Trybus, Steven		E-mail from attorney containing legal advice and analysis in anticipation of litigation	AC/WP
2237	5	4/25/2005	Kanuch, Bruce M; Johnson, Mark S; Schwartz, Roger; Nichols, Jamie; Daly, Patricia; Johnston, Arlene	Johnson, Mark S; Kanuch, Bruce M M; Roper, Harry J; Trybus, Steven; Glenn, Michael L; Schwartz, Roger; Nichols, Jamie; Daly, Patricia; Johnston, Arlene; johnsona@novachemcom	Johnson, Mark S; Smith, Rodger	Email from attorney providing legal advice	AC
2238	2	3/8/2005	Schwartz, Roger; Johnson, Mark S	Johnson, Mark S; Schwartz, Roger	Kanuch, Bruce; Glenn, Michael; Hays, Michael; McAlindon, Julie; Krupp, Stephen; Story, Bruce	Email to attorneys requesting legal advice	AC
2239	2	3/10/2005	Kanuch, Bruce M; Johnson, Mark S	Johnson, Mark S; Kanuch, Bruce M M	Roper, Harry J	Email from attorney providing legal advice	AC
2240	2	8/18/2004	Johnson, Mark S; Kanuch, Bruce M	Kanuch, Bruce; Johnson, Mark S		Email to attorney requesting legal advice	AC
2241	2	8/18/2004	Redwine, David; Johnson, Mark S	Johnson, Mark S; Taha, Angela;; Redwine, David	Coker, Wayne; Hazlitt, Lonnie; Williams, Allen	Emails concerning testing performed at the request of counsel in anticipation of litigation	WP

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2242	2		Taha, Angela; Johnson, Mark S	Johnson, Mark S; Redwine, David; Taha, Angela	Coker, Wayne; Hazlitt, Lonnie; Williams, Allen	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2243	4	8/18/2004				Testing performed at the request of counsel in anticipation of litigation	WP
2244	1	1/14/2005	Johnson, Mark S; Taha, Angela	Redwine, David; Taha, Angela; Johnson, Mark S	Coker, Wayne; Hazlitt, Lonnie; Williams, Allen	E-mails concerning testing performed at the request of counsel in anticipation of litigation	WP
2245	2	8/18/2004	Crown, Alechia; Taha, Angela; Zhou, Zhe	Johnson, Mark S; Taha, Angela; Conboy, Claire	Conboy, Claire; Green, Shayne; Zhou, Zhe; Taha, Angela; Crown, Alechia	Emails relating to testing performed at the request of counsel in anticipation of litigation	WP
2246	2	12/6/2004	Taha, Angela; Johnson, Mark S	Johnson, Mark S; Redwine, David; Taha, Angela	Coker, Wayne; Hazlitt, Lonnie; Williams, Allen	E-mails concerning testing performed at the request of counsel in anticipation of litigation	WP
2247	1	12/8/2004	Chum, Stephen; Johnson, Mark S	Johnson, Mark S; Hazlitt, Lonnie; Krupp, Stephen; Oswald, Thomas; Anderson, Kenneth W; Weeks, Ron; Niemann, Debra; McConnell, Dennis; Kolthammer, Brian WS; Lai, Shih-Yaw; Markovich, Ronald P; Chum, Stephen; Jain, Pradeep		Email to attorney requesting legal advice	AC
2248	1	9/4/2003	Kolthammer, Brian; Johnson, Mark S	Johnson, Mark S; Hazlitt, Lonnie; Krupp, Stephen; Oswald, Thomas; Anderson, Kenneth W; Weeks, Ron; Niemann, Debra; McConnell, Dennis; Kolthammer, Brian WS; Lai, Shih-Yaw; Markovich, Ronald P; Chum, Stephen; Jain, Pradeep	Krupp, Stephen	E-mail to attorney requesting legal advice	AC

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2249	1	6/5/2005	Fordyce, William; Johnson, Mark S	Johnson, Mark S; Story, Bruce; Fordyce, William		Emails contain information reflecting communications with attorneys	AC
2250	2	11/17/2004	Kanuch, Bruce M; Johnson, Mark S	Barlow, Aaron A; Johnson, Mark S; Roper, Harry; Trybus, Steven; Kanuch, Bruce M M	Balke, Stephen T; Hazlitt, Lonnie; Krupp, Stephen	Email from attorney providing legal advice	AC
2251	2	11/17/2004	Odonnell, Brian P; Kanuch, Bruce M	Kanuch, Bruce; O'Donnell, Brian P	Johnson, Mark S; Krupp, Stephen; Roper, Harry J	Email from attorney providing legal advice	AC
2252	1					Timeline prepared by or at request of attorneys in anticipation of litigation	WP
2253	50	8/19/2003	Roper, Harry J			Presentation created by attorneys in anticipation of litigation	WP
2254	1	3/21/2005	Johnson, Mark S; Fordyce, William	Fordyce, William; Johnson, Mark S		Email contains information reflecting legal advice from Steve Krupp	AC
2255	1	8/27/2003	Mcalindon, Julie; Johnson, Mark S	Johnson, Mark S; McAlindon, Julie	Wright, Glenn	Email contains information prepared at the request of counsel in anticipation of litigation	WP
2256	1		Johnson, Mark S; Stevens, James	Stevens, James; Johnson, Mark S		Email concerns testing requested by attorneys in anticipation of litigation	WP
2257	1	9/24/1998	Johnson, Mark S			Document attached to E-mail concerning testing requested by attorneys in anticipation of litigation	WP
2258	2	5/16/2005	Story, Bruce	Chrisman, Ray	Gambrell, Ed; Johnson, Mark S; Stevens, James; Swogger, Kurt	E-mail correspondence reflecting attorney-client communications regarding patent enforcement	AC
2259	2	4/4/2005	Johnson, Mark S	Kanuch, Bruce		Email to attorney seeking legal advice	AC
2260	2	9/5/2003	Johnson, Mark S	Kanuch, Bruce		Email to attorneys seeking legal advice	AC
2261	1	12/21/2004	Stevens, James	Johnson, Mark S		E-mails concerning testing performed at request of counsel in anticipation of litigation	WP
2262	1	4/14/2005	Pinkerton, Jack	Johnson, Mark S		E-mail correspondence regarding product testing requested by counsel in anticipation of litigation	WP
2263	4	10/8/2004	Krupp, Stephen	Johnson, Mark S; Kanuch, Bruce; Roper, Harry J		Email from counsel containing legal advice	AC

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2264	2	2/8/2005	Kanuch, Bruce M	Johnson, Mark S		Email from counsel containing legal advice	AC
2265	1	1/26/2005	Wright, Glenn	Johnson, Mark S		E-mail correspondence regarding information requested by counsel in anticipation of litigation	WP
2266	3	12/23/2003	Crown, Alechia	Conboy, Claire; Johnson, Mark S; Taha, Angela; Zhou, Zhe	Green, Shayne	E-mail correspondence regarding testing performed at request of counsel in anticipation of litigation	WP
2267	5	4/6/2005	Johnson, Mark S	Minicucci, Carmela		E-mail correspondence regarding testing performed at request of counsel in anticipation of litigation	WP
2268	2	4/28/2004	Johnson, Mark S	Fordyce, William		E-mail correspondence regarding preparation of presentation at the request of counsel in order to provide legal advice	AC
2269	2	2/12/2004	Glenn, Michael L; Porter, Greg	Johnson, Mark S; Porter, Gregory; Glenn, Michael L		E-mail between attorneys containing legal advice regarding patent infringement	AC
2270	1	9/26/2003	Patel, Rajen; Chum, Stephen; Johnson, Mark S	Chum, Stephen; Johnson, Mark S; Lai, Shih-Yaw; ; Markovich, Ronald P; Sehanobish, Kalyan; Johnson, Mark		E-mail correspondence containing information reflecting legal advice from legal department and information collected in anticipation of litigation	AC, WP
2271	4	3/27/1992	Turk, Thelma	Patel, Rajen	Johnson, Mark S; Krupp, Stephen; Lai, Shih-Yaw	Email correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2272	25	3/27/1992	Knight, George W			Document attached to E-mail sent to attorney seeking legal advice	AC
2273	9	9/26/2003	Lai, Shih-Yaw; Knight, George W; Chum, Stephen			Document attached to E-mail sent to attorney seeking legal advice	AC
2274	4	3/27/1992	Turk, Thelma	Patel, Rajen	Johnson, Mark S; Krupp, Stephen; Lai, Shih-Yaw	E-mail correspondence regarding requested information by counsel in anticipation of litigation in order to provide legal advice	AC, WP
2275	11	12/10/1991	Knight, George W			Document attached to an E-mail sent to attorney seeking legal advice	AC

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2276	13	10/10/2003	Knight, George W			Document attached to an E-mail sent to attorney seeking legal advice	AC
2277	4	10/9/2003	Johnson, Mark S	Lai, Shih-Yaw		E-mail correspondence reflecting attorney-client communications with S Krupp regarding testing performed at the request of counsel in anticipation of litigation	AC/WP
2278	4	9/26/2003	Lai, Shih-Yaw	Patel, Rajen; Turk, Thelma	Johnson, Mark S; Krupp, Stephen	E-mail correspondence reflecting attorney-client communications with Steve Krupp	AC
2279	3	9/26/2003	Turk, Thelma	Johnson, Mark S; Lai, Shih-Yaw	Krupp, Stephen; Patel, Rajen	E-mail correspondence reflecting attorney-client communications with Steve Krupp	AC
2280	3	9/26/2003				Timeline attached to E-mail correspondence reflecting attorney-client communications with Steve Krupp	AC/WP
2281	3	9/26/2003	Johnson, Mark S	Lai, Shih-Yaw; Turk, Thelma	Bensason, Selim; Chum, Stephen; Krupp, Stephen; Markovich, Ronald P; Patel, Rajen; Reichek, Ken; Sehanobish, Kalyan	Email correspondence regarding information requested by counsel in anticipation of litigation in order to provide legal advice	AC, WP
2282	2	9/25/2003	Lai, Shih-Yaw	Johnson, Mark S	Bensason, Selim; Chum, Stephen; Krupp, Stephen; Markovich, Ronald P; Patel, Rajen; Reichek, Ken; Sehanobish, Kalyan	E-mail correspondence reflecting attorney-client communications with Steve Krupp	AC
2283	1	10/11/2003	Sehanobish, Kalyan	Patel, Rajen	Bensason, Selim; Johnson, Mark S	Email correspondence concerning testing requested by counsel in anticipation of litigation	WP
2284	5	6/3/2003	Lai, Shih-Yaw	Johnson, Mark S		Email correspondence regarding information requested by counsel in anticipation of litigation in order to provide legal advice	AC, WP

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2285	2	6/14/2005	Johnson, Mark S; Fordyce, William	Fordyce, William; Johnson, Mark S; Story, Bruce; Krupp, Stephen; Dekunder, Staci; Kolthammer, Brian W.S		Email correspondence concerning testing requested by counsel in anticipation of litigation	WP
2286	2	8/15/2005	Johnson, Mark S	Trybus, Steven R	Balke, Stephen T; Hazlitt; Kanuch, Bruce; Krupp, Stephen; Lonnie; Reichek, Ken; Turk, Thelma	Email to attorneys seeking legal advice	AC
2287	2	8/15/2005	Johnson, Mark S	Redwine, David; Zhou, Zhe	Coker, Wayne; Conboy, Claire; Hazlitt, Lonnie; Taha, Angela	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2288	2	6/10/2004	Zhou, Zhe	Johnson, Mark S; Redwine, David	Coker, Wayne; Conboy, Claire; Hazlitt, Lonnie; Taha, Angela	E-mails concerning testing performed at the request of counsel in anticipation of litigation	WP
2289	1		Patel, Rajen	Hazlitt, Lonnie; Johnson, Mark S; Patel, Rajen		E-mail correspondence concerning testing requested by counsel in anticipation of litigation	WP
2290	21	9/3/2003				Testing performed at the request of counsel in anticipation of litigation	WP
2291	1	4/21/2004	Thomson, Kip; Johnson, Mark S	Billings, Mike; Johnson, Mark S; Thomson, Kip		E-mail correspondence requesting information in order to obtain legal advice	AC
2292	2	4/21/2004	Markovich, Ronald P	Chum, Stephen; Johnson, Mark S; Lai, Shih-Yaw; Patel, Rajen		Email correspondence regarding information requested by counsel in anticipation of litigation in order to provide legal advice	AC, WP
2293	1	4/22/2004	Chum, Stephen	Johnson, Mark S; Lai, Shih-Yaw; Patel, Rajen	Markovich, Ronald P	Email correspondence regarding information requested by counsel in anticipation of litigation in order to provide legal advice	AC, WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2294	2	6/17/2005	Johnson, Mark S	Chum, Stephen; Lai, Shih-Yaw; Markovich, Ronald P; Patel, Rajen		Email correspondence regarding information requested by counsel in anticipation of litigation in order to provide legal advice	AC, WP
2295	1		Zhou, Zhe	Johnson, Mark S		E-mail with attached data generated at request of counsel in anticipation of litigation	WP
2296	4	4/18/2004				Testing performed at the request of counsel in anticipation of litigation	WP
2297	1	4/19/2005	Markovich, Ronald P	Johnson, Mark S		Email correspondence regarding information requested by counsel in anticipation of litigation in order to provide legal advice	AC, WP
2298	1	4/18/2005	Johnson, Mark S	Kanuch, Bruce	Hazlitt, Lonnie; Krupp, Stephen	Email providing requested information to counsel in order to obtain legal advice	AC
2299	2	3/21/2003				Report generated at the request of counsel in anticipation of litigation	WP
2300	37	11/30/1999	DeKunder, Staci; Wooster, Jeffrey J			Report attached to E-mail sent to counsel seeking legal advice	AC
2301	29	6/14/2005				Report attached to E-mail sent to counsel in order to obtain legal advice	AC
2302	1	4/5/2005	Johnson, Mark S	Kanuch, Bruce; Roper, Harry	Balke, Stephen T; Hazlitt; Krupp, Stephen; Lonnie; Reichek, Ken; Trybus, Steven; Williams, Allen	Email to attorneys seeking legal advice	AC
2303	1	4/8/2005	Johnson, Mark S	Fordyce, William; Glenn, Michael L; Korfhage, Glenn; Story, Bruce	Kanuch, Bruce; Krupp, Stephen; Turk, Thelma	Email to attorneys seeking legal advice regarding patent infringement	AC
2304	26	1/17/2005	Johnson, Mark S; Kanuch, Bruce M			Presentation prepared by attorneys in anticipation of litigation	WP
2305	1	11/4/2003	Johnson, Mark S	Kanuch, Bruce M; Roper, Harry J; Trybus, Steven R		Email to attorneys providing information in order to obtain legal advice	AC
2306	1		Markovich, Ronald P	Johnson, Mark S		E-mail attaching testing performed at the request of counsel in anticipation of litigation	WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2307	40	4/16/2004				Testing performed at the request of counsel in anticipation of litigation	WP
2308	1		Markovich, Ronald P	Johnson, Mark S		E-mail with attached test results reflecting attorney-client communications with legal department	AC
2309	40	1/17/2004				Test results attached to an E-mail reflecting attorney-client communications with legal department	AC
2310	1		Reichek, Ken	Johnson, Mark S		E-mail with attached testing performed at request of counsel in anticipation of litigation	WP
2311	111	9/24/2003				Testing performed at the request of counsel in anticipation of litigation	WP
2312	1		Patel, Rajen	Sehanobish, Kalyan	Bensason, Selim; Johnson, Mark S	E-mail with attached testing performed at request of counsel in anticipation of litigation	WP
2313	74	9/25/2003				Spreadsheet attached to E-mail concerning testing requested by counsel in anticipation of litigation	WP
2314	2		Johnson, Mark S	Lai, Shih-Yaw	Bensason, Selim; Chum, Stephen; Krupp, Stephen; Markovich, Ronald P; Patel, Rajen; Reichek, Ken; Sehanobish, Kalyan	E-mail correspondence reflecting attorney-client communications with Steve Krupp	AC
2315	14					Patent attached to E-mail reflecting attorney-client communications and analyzed by counsel in order to provide legal advice	AC
2316	74	5/6/2004				Spreadsheet attached to E-mail reflecting attorney-client communcations with Steve Krupp	AC
2317	1	3/14/2005	Patel, Rajen	Wooster, Jeffrey	Johnson, Mark S	E-mail correspondence requesting information in order to perform work at the request of counsel in anticipation of litigation	WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2318	1	8/13/2004	Johnson, Mark S	Kanuch, Bruce; Roper, Harry; Trybus, Steven	Korfhage, Glenn; Krupp, Stephen	Email to attorneys reflecting attorney-client privileged communications regarding testing performed at the request of counsel in anticipation of litigation	AC/WP
2319	1		Hazlitt, Lonnie	Johnson, Mark S	Reichek, Ken	E-mail with attached testing performed at request of counsel in anticipation of litigation	WP
2320	7	6/13/2004				Testing performed at the request of counsel in anticipation of litigation	WP
2321	1	5/29/2003	Reichek, Ken	Hazlitt, Lonnie; Johnson, Mark S		E-mail forwarding testing performed at the request of counsel in anticipation of litigation	WP
2322	2	6/7/2005	Story, Bruce; Johnson, Mark S	Beil, Robert; Glenn, Michael L; Hasenbeck, Ken; Kreinberg, Romeo; Schwartz, Roger; Swogger, Kurt; Story, Bruce	Fordyce, William; Vanderhider, Alan	E-mail correspondence regarding analysis and testing performed by counsel and at the request of counsel in anticipation of litigation and providing information to counsel in order to obtain legal advice	AC, WP
2323	1	6/23/2004	Johnson, Mark S	Trybus, Steven		E-mail to outside attorney seeking legal advice	AC
2324	1	6/23/2004	Kummer, Kyle	Johnson, Mark S		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2325	4	5/6/2004	Kummer, Kyle G			Testing performed at the request of counsel in anticipation of litigation	
2326	4	8/12/2005	Mcnamee, Gary	Johnson, Mark S		E-mail correspondence providing information at the request of counsel in order to obtain legal advice	AC, WP
2327	1	8/12/2005	Zhou, Zhe	Johnson, Mark S; Redwine, David	Conboy, Claire; Taha, Angela	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2328	21	1/26/2004	Zhou Z			Testing performed at the request of counsel in anticipation of litigation	
2329	1		Johnson, Mark S	Porter, Greg	Glenn, Michael; Kanuch, Bruce; Krupp, Stephen	Email to counsel providing information in anticipation of litigation and to obtain legal advice	AC, WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2330	11					Attached information provided to counsel to obtain legal advice	AC, WP
2331	1		Bert Peters			Attached information provided to counsel to obtain legal advice	AC, WP
2332	1		Bert Peters			Attached information provided to counsel to obtain legal advice	AC, WP
2333	11					Attached information provided to counsel to obtain legal advice	AC, WP
2334	2	6/4/2004				Attached information provided to counsel to obtain legal advice	AC, WP
2335	1		Johnson, Mark S	Porter, Greg		Email to counsel providing information in anticipation of litigation and to obtain legal advice	AC, WP
2336	1		Bert Peters			Attached information provided to counsel to obtain legal advice	AC
2337	4	8/31/2003	Ken Reichek - U137919			Attached information provided to counsel to obtain legal advice	AC
2338	2	4/14/2005	Johnson, Mark S	Lloyd, Kenny; Reichek, Ken	Dekunder, Staci; Gallagher, Tony; Gibbons, Julie; PetersIII, Herbert	Email correspondence concerning testing requested by counsel in anticipation of litigation	WP
2339	1	2/3/2005	Johnson, Mark S	Kanuch, Bruce	Krupp, Stephen	Email correspondence regarding information requested by counsel in anticipation of litigation in order to provide legal advice	AC, WP
2340	1	12/17/2004	Zhou, Zhe	Johnson, Mark S; Taha, Angela		E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2341	2	6/10/2004	Oswald, Thomas	Johnson, Mark S	Cham, Pak-Meng; Chum, Stephen; Demirors, Mehmet	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP
2342	2		Patel, Rajen	Hazlitt, Lonnie; Johnson, Mark S		E-mail regarding testing performed at the request of counsel in anticipation of litigation	WP
2343	21					Testing performed at the request of counsel in anticipation of litigation	WP
2344	8					Testing performed at the request of counsel in anticipation of litigation	WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2345	6					Testing performed at the request of counsel in anticipation of litigation	WP
2346	5					Testing performed at the request of counsel in anticipation of litigation	WP
2347	13	2/19/1972				Testing performed at the request of counsel in anticipation of litigation	WP
2348	13	2/27/2006				Patent used in analysis and testing performed at the request of counsel in anticipation of litigation	WP
2349	1	12/1/1993	Johnson, Mark S	Kanuch, Bruce; Korfhage, Glenn; Krupp, Stephen; Roper, Harry; Trybus, Steven	Hazlitt, Lonnie; Kolthammer, Brian	E-mail correspondence providing information in order to obtain legal advice	AC
2350	30	11/21/2006	Cady, L.; Hazlitt, Lonnie; Langohr, Michael			Report sent to counsel in order to obtain legal advice	AC
2351	2		Johnson, Mark S	Barlow, Aaron A; Kanuch, Bruce; Roper, Harry	Hazlitt, Lonnie	E-mail correspondence requesting legal advice and providing information in order to obtain legal advice	AC
2352	1		Johnson, Mark S			Notes prepared at the request of counsel and provided to counsel in order to obtain legal advice	AC, WP
2353	5					Analysis performed at the request of counsel in anticipation of litigation and provided to counsel in order to obtain legal advice	AC, WP
2354	15	7/9/1991	Wild, L.; Ryle, T.R.; Knobeloch, DC; Peat, I.R.			Article provided to counsel in order to obtain legal advice	AC
2355	18					Patent provided to counsel in order to obtain legal advice	WP
2356	7	1/8/2004	Wild, L.; Ryle, T.			Article provided to counsel in order to obtain legal advice	AC
2357	1	1/27/2005	Gillespie, David	Johnson, Mark S; Reichek, Ken	Perkins, Harolyn	E-mail correspondence regarding testing performed at the request of counsel in anticipation of litigation	WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2358	1		Johnson, Mark S	Crown, Alechia; Green, Shayne; Taha, Angela; Zhou, Zhe	Conboy, Claire; Hazlitt, Lonnie; Reichek, Ken	E-mail correspondence regarding analysis and testing performed at the request of counsel in anticipation of litigation	WP
2359	2	4/29/2005				Notes regarding analysis and testing performed at the request of counsel in anticipation of litigation	WP
2360	1	8/5/2003	Trybus, Steven R	Johnson, Mark S; Kanuch, Bruce; Marinelli, Joseph F; Roper, Harry J		E-mail from counsel providing legal advice regarding testing	AC, WP
2361	1	8/4/2003	Johnson, Mark S	Billings, Mike; Dekunder, Staci; Larsen Jr, Douglas; Mcconnell, Dennis; Niemann, Debra; Nietvelt, Paul; Patterson, Leree; Wright, Glenn	Ramsey, David	E-mail correspondence regarding analysis and testing performed at the request of counsel in anticipation of litigation	WP
2362	15	6/10/2004				Presentation regarding analysis and testing performed at the request of counsel in anticipation of litigation	WP
2363	1	6/10/2004	Johnson, Mark S	Dekunder, Staci; Larsen Jr, Douglas; Mcconnell, Dennis; Niemann, Debra; Nietvelt, Paul; Patterson, Leree	Bernier, Robert; Cobler, Brad; Desjardins, Sylvie; Eversdyk, David; Kardos, Lori; Krupp, Stephen	E-mail correspondence regarding analysis and testing performed at the request of counsel in anticipation of litigation	WP
2364	24	4/7/2004	Johnson, Mark S			Presentation regarding analysis and testing prepared at the request of counsel in anticipation of litigation	WP
2365	1	9/29/2004	Johnson, Mark S	Glenn, Michael L; Kanuch, Bruce	Fordyce, William; Krupp, Stephen; Story, Bruce	E-mail correspondence requesting legal advice and regarding testing performed at the request of counsel in anticipation of litigation	AC, WP
2366	1	8/5/2005	Johnson, Mark S	Glenn, Michael L; Kanuch, Bruce; Story, Bruce	Krupp, Stephen; Porter, Greg	E-mail correspondence reflecting attorney-client communications and regarding analysis performed at the request of counsel in anticipation of litigation	AC, WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2367	1	4/20/2004	Johnson, Mark S	Pinkerton, Jack	Niemann, Debra	E-mail regarding testing performed at the request of counsel in anticipation of litigation	WP
2368	1		Johnson, Mark S	Chum, Stephen; Lai, Shih-Yaw; Patel, Rajen	Markovich, Ronald P	E-mail requesting information in anticipation of litigation in order for counsel to provide legal advice	AC, WP
2369	1					Testing performed at the request of counsel in anticipation of litigation	WP
2370	1	4/5/2006				Spreadsheet regarding testing performed at the request of counsel in anticipation of litigation	WP
2371	1		Johnson, Mark S	Kanuch, Bruce; Korfhage, Glenn; Krupp, Stephen; Roper, Harry; Trybus, Steven	Hazlitt, Lonnie	E-mail correspondence forwarding information prepared at the request of counsel and provided in order to obtain legal advice	AC, WP
2372	15	4/5/2006	Wild, L.; Ryle, T.R.; Knobeloch, DC; Peat, I.R.			Article sent to counsel in order to obtain legal advice	AC
2373	1					Notes regarding testing performed at the request of counsel in anticipation of litigation	WP
2374	1	9/8/1997				Chart prepared at the request of counsel in anticipation of litigation	WP

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2375	10	9/8/1997	Holder, Tim; Johnson, Mark S	Carrington, Susan; Gambrell, Ed; Hasenbeck, Ken; Cuadrado, Juan Carlos; Guarino, Carlo; Kalil, Charles; Korfhage, Glenn; Kreinberg, Romeo; Donoso, Diego; Torres, Tony; Pierce, Jim; Schwartz, Roger; Swogger, Kurt W; Garrett, Gus; Kao, Che	Anderson, Kenneth W; Hazlitt, Lonnie; Jain, Pradeep; Lastovica, John; Schwank, Don; Stuart, Duncan; Swindoll, Robert; Chum, Stephen; Ellebracht, Steve; Huff, Georgia; Krupp, Stephen; McKinney, Ozborne K; Sehanobish, Kalyan; Story, Bruce; Flickenger, John; Ehrhart, Sabra; Docking, Darrel; Dunning, Brian; Falla, Dan; Hagan, Susan; Neuenfeldt, Jan; Perez, Inma; Brolin, Kane; Robson, Ian	Draft report prepared in anticipation of litigation	WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2376	10		Holder, Tim; Johnson, Mark S	Carrington, Susan; Gambrell, Ed; Hasenbeck, Ken; Cuadrado, Juan Carlos; Guarino, Carlo; Kalil, Charles; Korfhage, Glenn; Kreinberg, Romeo; Donoso, Diego; Torres, Tony; Pierce, Jim; Schwartz, Roger; Swogger, Kurt W; Garrett, Gus; Kao, Che	Anderson, Kenneth W; Hazlitt, Lonnie; Jain, Pradeep; Lastovica, John; Schwank, Don; Stuart, Duncan; Swindoll, Robert; Chum, Stephen; Ellebracht, Steve; Huff, Georgia; Krupp, Stephen; McKinney, Ozborne K; Sehanobish, Kalyan; Story, Bruce; Flickenger, John; Ehrhart, Sabra; Docking, Darrel; Dunning, Brian; Falla, Dan; Hagan, Susan; Neuenfeldt, Jan; Perez, Inma; Brolin, Kane; Robson, Ian	Report prepared in anticipation of litigation	WP
2377	1	10/21/2005				Cover page for file containing reports prepared in anticipation of litigation	WP
2378	1	6/21/2005	Kanuch, Bruce M	Wheeler, Scot; Fitzpatrick, Ken; Glenn, Michael L; Johnson, Mark S; Korfhage, Glenn; Kreinberg, Romeo; Krupp, Stephen; Nicholas, Gloria; Schwartz, Roger; Stuart, Duncan; Swogger, Kurt W		Email providing legal advice in anticipation of litigation	AC/WP
2379	4	10/21/2005	Kanuch, Bruce M			Report providing legal advice in anticipation of litigation	AC/WP
2380	4	6/8/2005				Draft legal filing prepared in anticipation of litigation	WP

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2381	3		Kanuch, Bruce M			Draft report providing legal advice prepared in anticipation of litigation	AC/WP
2382	38	7/19/2005	Ward, Dan; Teh, Joo; Ho, Kam; Marler, Jamie; Aubee, Norman			Draft report provided to counsel in order to obtain legal advice	AC
2383	3	6/20/2005	Kanuch, Bruce M; Schwartz, Roger	Kreinberg, Romeo; Kanuch, Bruce M; Stuart, Duncan; Glenn, Michael L	Schwartz, Roger; Fitzpatrick, Ken; Nichols, Jamie; Stuart, Duncan; Glenn, Michael	Email correspondence providing draft report to provide legal advice in anticipation of litigation	AC/WP
2384	2	6/21/2005	Kanuch, Bruce M			Draft report providing legal advice in anticipation of litigation	AC/WP
2385	2	6/21/2005	Kanuch, Bruce M	Schwartz, Roger; Stuart, Duncan; Glenn, Michael L	Stuart, Duncan; Glenn, Michael	Email correspondence providing draft report to provide legal advice in anticipation of litigation	AC/WP
2386	2	4/14/2005	Kanuch, Bruce M			Draft report providing legal advice in anticipation of litigation	AC/WP
2387	1	4/13/2005	Kanuch, Bruce M	Schwartz, Roger	Glenn, Michael; Johnson, Mark S	Email providing Q&A memo providing legal advice in anticipation of litigation	AC/WP
2388	3	4/14/2005	Kanuch, Bruce M	Schwartz, Roger		Q&A providing legal advice in anticipation of litigation	AC/WP
2389	1	4/8/2005	Johnson, Mark S	Kanuch, Bruce M	Krupp, Stephen	Email providing information requested by counsel in anticipation of litigation	WP
2390	1	5/12/2000	Turk, Thelma	Johnson, Mark S; Schwartz, Roger; Wright, Glenn; Fordyce, William; Story, Bruce; Krupp, Stephen; Kanuch, Bruce M; Glenn, Michael L; Korfhage, Glenn; Roper, Harry J; McAlindon, Julie; Turk, Thelma		Email requesting meeting to request legal advice	AC
2391	7	9/16/1999	Lai, Shih-Yaw			Databook documenting testing performed at the request of counsel in anticipation of prior litigation	WP
2392	20		Kale, Larry			Lab notebook containing memo to attorney reflecting and or requesting legal advice from an attorney	AC

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2393	50	6/3/2004				Databook documenting work performed at the request of counsel in support of patent application reflecting legal advice	AC, WP
2394	2	9/16/1999	Johnson, Mark S			Slides prepared at the request of counsel in anticipation of litigation regarding patent enforcement	WP
2395	23		Kale, Larry			Lab notebook containing memo to attorney reflecting and or requesting legal advice from an attorney	AC
2396	1					Internal file history reflecting and/or comprising attorney handwritten notes	AC, WP
2397	1					Internal file history reflecting and/or comprising attorney handwritten notes	AC, WP
2398	1	6/19/1998				Internal file history reflecting and/or comprising attorney handwritten notes	AC, WP
2399	19	9/26/1991	Plotecher, Gary	Peil, Kevin	Warrick, Noreen D	Draft patent application provided to gather input in order to provide legal advice	AC, WP
2400	1	9/26/1991	Lai, Shih-Yaw; Wilson, J.; Knight, George W; Stevens, James			Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2401	1	9/26/1991	Lai, Shih-Yaw; Wilson, J.; Knight, George W; Stevens, James			Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2402	1	9/26/1991	Lai, Shih-Yaw; Wilson, J.; Knight, George W; Stevens, James			Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2403	1	9/27/1991	Lai, Shih-Yaw; Wilson, J.; Knight, George W; Stevens, James			Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2404	1	9/26/1991				Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2405	1	9/26/1991	Lai, Shih-Yaw; Knight, George W; Chum, Stephen; Wilson, J.; Stevens, James			Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC

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2406	1	9/26/1991	Lai, Shih-Yaw; Knight, George W; Chum, Stephen; Wilson, J.; Stevens, James			Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2407	1	9/26/1991	Lai, Shih-Yaw; Knight, George W; Chum, Stephen; Wilson, J.; Stevens, James			Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2408	1	9/26/1991	Lai, Shih-Yaw; Knight, George W; Chum, Stephen; Wilson, J.; Stevens, James			Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2409	1	9/26/1991	Lai, Shih-Yaw; Knight, George W; Chum, Stephen; Wilson, J.; Stevens, James			Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2410	1	9/26/1991	Lai, Shih-Yaw; Knight, George W; Chum, Stephen; Wilson, J.; Stevens, James			Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2411	1	9/26/1991	Lai, Shih-Yaw; Knight, George W; Chum, Stephen; Wilson, J.; Stevens, James			Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2412	1	9/26/1991	Lai, Shih-Yaw; Knight, George W; Chum, Stephen; Wilson, J.; Stevens, James			Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2413	3	9/19/1991	Stevens, James	Knight, Bill		Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2414	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2415	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2416	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2417	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2418	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2419	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2420	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2421	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2422	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2423	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2424	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2425	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2426	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2427	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC

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NO.	PGS	DATE	AUTHOR	RECIPIENT	CC	DESCRIPTION	REASON WITHHELD
2428	1					Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2429	1	3/3/2002				Invention disclosure submitted to Dow legal department for application related to patents-in-suit	AC
2430	3	6/11/2002	Bai, J Benjamin	Abdon, Robert L		E-mail correspondence to counsel in order to obtain legal advice	AC
2431	6	3/11/2002				Draft of patent application prepared by or for counsel and reflecting attorney-client communications	AC, WP
2432	7	12/10/2001				Draft of patent application prepared by or for counsel and reflecting attorney-client communications	AC, WP
2433	6	7/25/2001				Draft of patent application prepared by or for counsel and reflecting attorney-client communications	AC, WP
2434	5					Draft of patent application prepared by counsel	AC, WP
2435	46					Draft of patent application prepared by counsel	AC, WP

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EXHIBIT C

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April 4, 2008

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VIA FACSIMILE

Joann M. Neth, Esq.
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Re: Dow v. Nova, C.A. No. 05-737 (JJF), D. Del.: Deficiencies in Nova's Answers to Dow's Interrogatories and Requests for Production

Dear Joann,

This letter is in response to the requests you made yesterday during our meet and confer discussion.

We had a new privilege log ready to go based on the issues you raised in your March 14, 2008 letter. However, based on the request you made for the first time during our discussion yesterday for specific dates and other information that could not be found on the documents themselves, we began to collect that information and add it to the log as soon as we got off the call with you. We were unable to complete that task by today. We do, however, expect to complete that by late Monday and expect to provide a revised log by then. Shortly after that, we expect to be able to provide an additional document production including documents that we are removing from the log as well as documents that you listed in your March 26, 2008 letter. We expect to complete production of the documents you listed in your March 26, 2008 letter by the end of next week.

With respect to the samples of ELITE that we have been able to locate, we expect to produce those by the end of next week.

With respect to your requests No. 175-177, contrary to your representation of yesterday, these requests are not limited to polymers made with CGC or metallocene polymers. Instead, No. 175 seeks testing on polymers made with Dow's Ziegler-Natta catalysts that have been commercialized since at least the 1980s. Even assuming we could search throughout the Dow organization for all documents relating to testing of Ziegler-Natta and CGC polymers the test results alone for testing for tear, impact and toughness would be in the millions of pages each. It would then be an overwhelmingly burdensome task to identify, for each of the millions of test reports, other information about the polymers tested in that report. One of the tests you identify is the slope of strain hardening coefficient. We have already produced everything we could find on that test for these and other polymers. We are also willing to conduct a reasonable search for something within the scope of your requests No. 175-177, but we need more guidance from you as to the relevance. All you have told us is that it is relevant because it might turn up prior art.

However, I note that the requests are addressed to single polymers, not blends, and the patents-in-suit require blends. If you consider how to more narrowly tailor your request to seek information that could lead to the discovery of relevant information, we would be happy to consider your request.

Very truly yours,

Aaron A. Barlow
AAB:pts

EXHIBIT D

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March 14, 2008

VIA EMAIL AND FIRST CLASS MAIL

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Re: *The Dow Chemical Co. v. Nova Chemicals Corp., et al.*
C.A. No. 05-737 (JJF), D. Del.

Dear Aaron:

Dow's privilege log, received from you on Tuesday March 11, 2008, appears to be substantially deficient in numerous respects. Principal among these deficiencies are (1) the claiming of work product immunity for documents that apparently were not created for litigation, but rather were prepared in the ordinary course of business, and (2) the withholding of documents as attorney client communications without providing sufficient information, including the identity of any attorney or attorney's agent involved in the alleged communication, such that the claim of privilege can be assessed.

1. Dow's Overbroad and Unsubstantiated Work Product Immunity Claims

Dow has withheld more than 2000 documents as alleged work product. (Appendix A.) In addition to being an implausibly large number of withheld work product documents, Dow's claims of immunity are unsubstantiated and lack indicia that the withheld documents were prepared in anticipation of specific litigation. Accordingly, please provide the evidence you are relying on to establish that each of the documents withheld under the work product immunity doctrine was created in preparation for specific litigation.

2. Dow's Withholding of Factual Information as Work Product

Among Dow's claims of work product immunity, more than 1,700 withheld documents are described as "[t]esting performed at the request of counsel in anticipation of litigation" or as "regarding" such testing. (Appendix B.) Still others are financial documents. (*E.g.*, nos. 2173, 2177, 2178, 2179, 2199, 2200, 2201, 2202.) While impressions and conclusions from testing

and financial data may be within the scope of work product immunity if they were truly created for litigation as opposed to being prepared in the ordinary course of business, the doctrine does not protect underlying facts and data. *E.g., United States v. Dentsply Int'l, Inc.,* 187 F.R.D. 152 , 155-56 (D. Del. 1999) (facts, as opposed to the impressions and conclusions drawn from them, are not protected by the work product doctrine); *Union Carbide Corp. v. Dow Chemical Co.*, 619 F. Supp. 1036, 1051 (D. Del. 1985) ("The fact that the documents [containing purely factual recitations of technical data and research experiments] were prepared by or forwarded to Carbide's in-house counsel does not, in itself, qualify the documents as attorney work product.") Moreover, Dow's production evidences that Dow was conducting both financial analyses and testing of NOVA'S SURPASS product for purely business reasons, including competitive intelligence and reverse engineering in an effort to design future Dow products. *Phillips Electronics North America Corp. v. Universal Electronics Inc.*, 892 F.Supp. 108, 110 (D. Del. 1995) (documents prepared in ordinary course of business are not work product). Hence, especially without further justification, Dow's claims of immunity appear, on their face, improper and overbroad. Again, please provide us with the evidence you are relying on to establish that each of these documents was created to prepare for specific litigation.

Moreover, even if Dow's claims of work product immunity were justified, Nova is entitled to at least the test data to the extent such data was created using unique test methods and apparatus only available to Dow, rendering such data otherwise unavailable to Nova, and for the sake of completeness in view of the testing data already produced by Dow.

3. Dow's More Than 600 Attorney Client Privilege Claims

Since Dow has failed to identify which persons listed on its log are Dow's attorneys, attorneys' agents, other Dow employees, and third parties, Dow's privilege log lacks sufficient information from which Dow's claims of privilege can be assessed, as is required. Dow should identify, for each withheld document, which individuals are attorneys, which individuals are agents of attorneys, which individuals are employees of Dow, and which individuals are third parties so that we can assess Dow's claims.

Further, Dow's claims of attorney client privilege include claims that, on their face, appear improper. For example, Dow has withheld numerous documents as alleged attorney client communications where no author is listed and/or no recipient is identified as being involved in the "communication." (Appendix C.) If Dow cannot identify a "communication" and identify an attorney or an attorney's agent involved, it is improper for Dow to withhold the document on the basis of attorney-client privilege.

In addition, among Dow's documents withheld as attorney-client privileged, there appear to be uncommunicated materials generated in the ordinary course of patent prosecution, and not in anticipation of a particular litigation. (*E.g.*, nos. 617, 2379, 2381, 2396-98.) It is, of course, improper for Dow to withhold as privileged these and any other uncommunicated attorney notes or other documents. *E.g., American Nat. Bank and Trust Co. of Chicago v. AXA Client*

Solutions, 2002 WL 1058776, *2 (N.D.Ill. March 22, 2002) ("The handwritten notes merely reflect in-house counsel's own uncommunicated thoughts, and such recorded and uncommunicated thoughts fall outside the province of the attorney-client privilege.").

Dow also appears to have improperly withheld as privileged testing data, notebooks, and other documents neither communicated to counsel nor reflecting legal advice. (*E.g.*, nos. 624, 625, 626, 527, 628, 631, 632, 633, 1194, 1298, 2392, 2393, and 2395.) Similarly, merely because a non-privileged document was "at the request of" or "provided to" counsel (*e.g.*, nos. 71, 323, 328, 330, 731, 732, 733, 734, 833, 904, 930, 1001, 1099, 1100, 1105, 1106, 1007, 1008, 1079, 1163-1166, 1173, 1174, 1194, 1355, 1372, 1374, 1377, 1454, 1420, 1435, 1437, 1440-44, 1467, 1468, 1470, 1472, 1476, 2005, 2024-36, 2103-2105, 2177, 2330-2334, 2356) does not render the document privileged.

Accordingly, Dow should withdraw its improper attorney-client privilege claims and produce the underlying documents without delay.

4. Dow's Withholding of Testing Data and Documents Related to Patent Prosecution

Among the materials withheld by Dow as alleged attorney client privilege or as immune work product are testing data related to patent prosecution, including materials authored by Dow's repeated declarant during prosecution leading to the patents-in-suit, R. Markovich, that lack any indication of a communication with any attorney. (*E.g.*, nos. 1109, 1106, 1163, 1164, 1166, 1173, 1174.) Dow is not entitled to withhold these or other testing data related to patent prosecution as an attorney client privileged communication. *Union Carbide*, 619 F.Supp. at 1047 (holding, on Dow's motion to compel production, that "[t]echnical information, such as the results of research, tests, and experiments, communicated to the attorney primarily for aid in completing the patent application and not necessitating a legal opinion or interpretation are similarly devoid of protection. Such data is subject to a duty of full disclosure to the PTO and does not take on a confidential character merely because it is transmitted through an attorney.") Such prosecution-related factual materials are also clearly not protected as work product. *Hercules, Inc. v. Exxon Corp.*, 434 F.Supp. 136, 152 (D. Del. 1977) ("[I]f the attorney's primary concern is claims which have arisen or will arise during the ex parte prosecution of the application . . . the work product rule does not apply.") Likewise, Dow's claims of work product immunity for draft patent applications and other documents related to patent prosecution (*e.g.*, nos. 416, 638, 639, 645, 646, 647, 651-653, 1107, 1173, 1194, 1835, 1840, 2431-35) are also clearly improper. *Id.*

For those materials related to patent prosecution that Dow continues to withhold for any reason, it should identify on its log which patent application the materials relate to, as such information is not privileged. That information is, however, directly relevant to the inequitable conduct committed in the prosecution leading to Dow's patents, for example, to identify an individual's involvement in the prosecution. Additionally, please also confirm that Dow has not

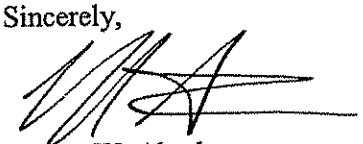
withheld any prosecution documents that, for example, merely forward a communication to or from the Patent Office.

5. Additional Deficiencies in Dow's Privilege Log

Dow's log also provides no legal basis whatsoever for some withheld documents (*e.g.*, nos. 1090, 1699, 2325, 2328) and inexplicably withholds documents identified as having zero pages (*e.g.*, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411). Dow should clarify and fix these deficiencies or produce the underlying documents.

Please let us know when we can meet and confer with respect to this discovery dispute.

Sincerely,



Jeffrey W. Abraham

cc: Richard L. Horwitz, Esq. (via email)
Rodger D. Smith II, Esq. (via email)

APPENDIX A

Dow's Improper and Unsubstantiated Work Product Claims:

1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61 ,62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 241, 242, 243, 244, 245, 246, 247, 248, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 388, 389, 390, 391, 392, 397, 398, 399, 400, 401, 404, 405, 406, 407, 409, 410, 411, 412, 413, 414, 415, 416, 417, 421, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 619, 620, 621, 622, 623, 626, 627, 628, 629, 638, 639, 645, 646, 647, 651, 652, 653, 656, 731, 732, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893,

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APPENDIX B

Dow's Improper Work Product Claims for Test Data:

1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61 ,62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 242, 244, 246, 248, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 388, 389, 390, 391, 392, 397, 398, 399, 400, 401, 404, 405, 406, 426, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 619, 620, 621, 622, 623, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927,

928, 929, 930, 932, 933, 934, 935, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 989, 990, 991, 992, 993, 996, 997, 1000, 1002, 1003, 1004, 1007, 1008, 1010, 1011, 1012, 1013, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1048, 1053, 1054, 1056, 1059, 1060, 1061, 1062, 1063, 1065, 1066, 1069, 1070, 1072, 1073, 1074, 1076, 1077, 1078, 1084, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1125, 1126, 1127, 1128, 1129, 1130, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1149, 1150, 1151, 1152, 1153, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1171, 1172, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1207, 1208, 1209, 1210, 1211, 1212, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1296, 1297, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1344, 1345, 1346, 1354, 1362, 1394, 1395, 1396, 1397, 1398, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1454, 1456, 1457, 1459, 1462, 1463, 1464, 1465, 1466, 1468, 1470, 1471, 1472, 1473, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765,

1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1816, 1817, 1837, 1839, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1857, 1865, 1867, 1868, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1902, 1903, 1904, 1905, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1927, 1928, 1929, 1930, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2021, 2027, 2028, 2032, 2033, 2034, 2035, 2036, 2037, 2040, 2047, 2048, 2049, 2050, 2051, 2052, 2057, 2060, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2075, 2076, 2083, 2084, 2085, 2086, 2106, 2109, 2110, 2111, 2123, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2170, 2171, 2172, 2181, 2182, 2183, 2184, 2187, 2188, 2189, 2192, 2193, 2216, 2217, 2218, 2219, 2241, 2242, 2243, 2244, 2245, 2246, 2256, 2257, 2261, 2262, 2266, 2267, 2271, 2277, 2283, 2285, 2287, 2288, 2289, 2290, 2296, 2306, 2307, 2310, 2311, 2312, 2313, 2318, 2319, 2320, 2321, 2322, 2324, 2325*, 2327, 2328*, 2338, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2367, 2369, 2370, 2373, and 2391.

APPENDIX C

Dow's Improper Attorney Client Privilege Claims for Uncommunicated Materials:

5, 248, 249, 326, 328, 330, 394, 395, 396, 403, 409, 414, 417, 421, 617, 624, 625, 626, 627, 628, 630, 631, 632, 633, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 938, 941, 955, 1020, 1040, 1044, 1047, 1058, 1061, 1062, 1063, 1064, 1065, 1066, 1071, 1074, 1079, 1080, 1081, 1083, 1086, 1087, 1090*, 1091, 1092, 1093, 1094, 1096, 1099, 1100, 1101, 1105, 1106, 1107, 1149, 1150, 1163, 1164, 1165, 1166, 1169, 1173, 1174, 1194, 1298, 1343, 1356, 1363, 1364, 1365, 1370, 1377, 1399, 1412, 1413, 1415, 1418, 1419, 1426, 1429, 1434, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1454, 1456, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1476, 1815, 1869, 1870, 1871, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1906, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1927, 2015, 2017, 2019, 2023, 2024, 2025, 2026, 2030, 2031, 2045, 2046, 2056, 2074, 2082, 2088, 2089, 2090, 2092, 2094, 2095, 2097, 2099, 2103, 2104, 2105, 2113, 2114, 2115, 2138, 2152, 2153, 2155, 2158, 2160, 2163, 2206, 2207, 2215, 2229, 2233, 2272, 2273, 2275, 2276, 2280, 2300, 2301, 2309, 2315, 2316, 2325*, 2328*, 2330, 2331, 2332, 2333, 2334, 2336, 2337, 2350, 2352, 2353, 2354, 2356, 2372, 2379, 2381, 2382, 2384, 2386, 2392, 2393, 2395, 2396, 2397, 2398, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2431, 2432, 2433, 2434, and 2435.

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE DOW CHEMICAL COMPANY, Plaintiff, v. NOVA CHEMICALS CORPORATION (CANADA) and NOVA CHEMICALS INC. (DELAWARE), Defendants.	)	C.A. No. 05-737 (JJF)

DECLARATION OF MARK S. JOHNSON

I, Mark S. Johnson, do declare and state as follows:

1. I earned a B.S. degree in Chemical Engineering in 1974 from Texas Tech University in Lubbock, Texas. In that same year, I went to work for The Dow Chemical Company ("Dow") in Freeport, Texas in process R&D, and was responsible for developing a variety of process capabilities and technologies. Since then, I have managed projects and lead R&D groups in the development of catalyst, process, product, product application, modeling, characterization, and materials science technology. My entry into polyolefins technology occurred in late 1991, leading the process R&D efforts for polyethylene.

2. I am presently a Senior Leader in Dow's global Intellectual Capital Management function. Since 1996, one of my key responsibilities is the management and coordination of efforts conducted by Dow at the request of attorneys in connection with litigation and anticipation of litigation involving defending and enforcing Dow's patents. My role is the liaison between the Dow attorneys and outside counsel with the technical experts and business leaders within Dow. As a component of this role, I frequently supervise and/or direct testing

requested by both in-house and outside counsel in anticipation of litigation. In addition, I have prepared, as well as collected documents in anticipation of litigation.

3. I have reviewed the documents enumerated in the list attached as Exhibit 1. These documents were generated by or for me at the request of attorneys, namely Dow attorneys, Stephen P. Krupp, Bruce M. Kanuch, and/or Greg Porter, formerly from the firm of Jenkins & Gilchrist, and/or Steven Trybus, Aaron Barlow and Harry Roper from the firm of Jenner & Block. These attorney requests were made in anticipation of litigation between Dow and Nova over the SURPASS products at issue in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 2, 2008

Mark S. Johnson

EXHIBIT 1

2	51	96	141	186	231	286	339	385
7	52	97	142	187	232	287	340	386
8	53	98	143	188	233	288	341	388
9	54	99	144	189	234	289	342	389
10	55	100	145	190	235	290	343	390
11	56	101	146	191	236	291	344	391
12	57	102	147	192	237	292	345	392
13	58	103	148	193	238	293	346	397
14	59	104	149	194	239	294	347	398
15	60	105	150	195	250	295	348	399
16	61	106	151	196	251	296	349	400
17	62	107	152	197	252	297	350	401
18	63	108	153	198	253	298	351	404
19	64	109	154	199	254	299	352	405
20	65	110	155	200	255	300	353	406
21	66	111	156	201	256	301	354	430
22	67	112	157	202	257	302	355	431
23	68	113	158	203	258	303	356	432
24	69	114	159	204	259	304	357	433
25	70	115	160	205	260	305	358	434
26	71	116	161	206	261	306	359	435
27	72	117	162	207	262	307	360	436
28	73	118	163	208	263	308	361	437
29	74	119	164	209	264	309	362	438
30	75	120	165	210	265	310	363	439
31	76	121	166	211	266	311	364	440
32	77	122	167	212	267	312	365	441
33	78	123	168	213	268	313	366	442
34	79	124	169	214	269	314	367	443
35	80	125	170	215	270	315	368	444
36	81	126	171	216	271	316	369	445
37	82	127	172	217	272	317	371	446
38	83	128	173	218	273	318	372	447
39	84	129	174	219	274	319	373	448
40	85	130	175	220	275	320	374	449
41	86	131	176	221	276	322	375	450
42	87	132	177	222	277	323	376	451
43	88	133	178	223	278	331	377	452
44	89	134	179	224	279	332	378	453
45	90	135	180	225	280	333	379	454
46	91	136	181	226	281	334	380	455
47	92	137	182	227	282	335	381	456
48	93	138	183	228	283	336	382	457
49	94	139	184	229	284	337	383	458
50	95	140	185	230	285	338	384	459

460	506	552	598	758	804	855	901	952
461	507	553	599	759	805	856	902	953
462	508	554	600	760	806	857	903	954
463	509	555	601	761	807	858	905	955
464	510	556	602	762	808	859	906	956
465	511	557	603	763	809	860	907	957
466	512	558	604	764	810	861	908	958
467	513	559	605	765	811	862	909	959
468	514	560	606	766	812	863	910	960
469	515	561	607	767	813	864	911	961
470	516	562	608	768	814	865	912	962
471	517	563	609	769	815	866	913	963
472	518	564	610	770	816	867	915	964
473	519	565	611	771	817	868	916	965
474	520	566	612	772	818	869	917	966
475	521	567	613	773	819	870	918	967
476	522	568	614	774	820	871	919	968
477	523	569	615	775	823	872	920	969
478	524	570	616	776	824	873	921	970
479	525	571	620	777	825	874	922	971
480	526	572	622	778	826	875	923	972
481	527	573	623	779	827	876	924	973
482	528	574	734	780	828	877	925	974
483	529	575	735	781	831	878	926	975
484	530	576	736	782	832	879	927	976
485	531	577	737	783	833	880	928	977
486	532	578	738	784	834	881	929	978
487	533	579	739	785	835	882	930	979
488	534	580	740	786	836	883	932	980
489	535	581	741	787	837	884	933	981
490	536	582	742	788	839	885	934	982
491	537	583	743	789	840	886	935	983
492	538	584	744	790	841	887	937	984
493	539	585	745	791	842	888	939	985
494	540	586	746	792	843	889	940	986
495	541	587	747	793	844	890	941	987
496	542	588	748	794	845	891	942	989
497	543	589	749	795	846	892	943	990
498	544	590	750	796	847	893	944	991
499	545	591	751	797	848	894	945	992
500	546	592	752	798	849	895	946	993
501	547	593	753	799	850	896	947	996
502	548	594	754	800	851	897	948	997
503	549	595	755	801	852	898	949	998
504	550	596	756	802	853	899	950	999
505	551	597	757	803	854	900	951	1000

1001	1059	1126	1184	1231	1281	1340	1391	1486
1002	1060	1127	1185	1232	1286	1341	1392	1487
1003	1061	1128	1186	1233	1287	1342	1393	1488
1004	1062	1129	1187	1234	1288	1344	1394	1489
1007	1063	1130	1188	1235	1289	1345	1395	1490
1008	1064	1131	1189	1236	1290	1346	1400	1491
1010	1065	1132	1190	1237	1291	1347	1401	1492
1011	1066	1133	1191	1238	1297	1348	1402	1493
1012	1067	1134	1192	1239	1299	1349	1403	1494
1017	1068	1135	1193	1240	1301	1350	1404	1495
1019	1069	1136	1195	1241	1302	1351	1405	1496
1020	1070	1137	1196	1242	1303	1352	1406	1497
1021	1071	1138	1197	1243	1304	1353	1407	1498
1022	1072	1139	1198	1244	1305	1354	1408	1499
1023	1073	1140	1199	1245	1306	1355	1409	1500
1024	1074	1141	1200	1246	1307	1356	1410	1501
1025	1075	1142	1201	1247	1308	1357	1411	1502
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1027	1077	1144	1203	1249	1310	1359	1456	1504
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1029	1079	1146	1205	1251	1312	1361	1460	1506
1030	1080	1147	1206	1252	1313	1362	1461	1507
1031	1081	1149	1207	1253	1314	1363	1462	1508
1032	1082	1150	1208	1254	1315	1364	1463	1509
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1037	1086	1155	1212	1258	1321	1368	1467	1513
1038	1108	1156	1213	1259	1322	1369	1468	1514
1039	1109	1157	1214	1260	1323	1370	1469	1515
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1041	1111	1159	1216	1262	1325	1372	1471	1517
1042	1112	1160	1217	1263	1326	1373	1472	1518
1044	1113	1161	1218	1264	1327	1374	1473	1519
1045	1114	1162	1219	1265	1328	1375	1474	1520
1047	1115	1167	1220	1266	1329	1376	1475	1521
1048	1116	1168	1221	1267	1330	1377	1476	1522
1049	1117	1175	1222	1268	1331	1378	1477	1523
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1052	1119	1177	1224	1270	1333	1380	1479	1525
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1055	1122	1180	1227	1273	1336	1386	1482	1528
1056	1123	1181	1228	1278	1337	1387	1483	1529
1057	1124	1182	1229	1279	1338	1389	1484	1530
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1535	1581	1627	1674	1721	1767	1825	1876	1933
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1538	1584	1630	1677	1724	1770	1830	1879	1936
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1543	1589	1635	1683	1729	1775	1836	1884	1941
1544	1590	1636	1684	1730	1776	1837	1885	1942
1545	1591	1637	1685	1731	1777	1838	1886	1943
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1548	1594	1640	1688	1734	1780	1841	1889	1946
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1555	1601	1647	1695	1741	1787	1848	1896	1953
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1557	1603	1649	1697	1743	1789	1850	1898	1955
1558	1604	1650	1698	1744	1790	1851	1899	1962
1559	1605	1651	1699	1745	1791	1852	1900	1968
1560	1606	1652	1700	1746	1792	1854	1901	1969
1561	1607	1653	1701	1747	1793	1855	1902	1971
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1563	1609	1655	1703	1749	1803	1857	1904	1975
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1572	1618	1665	1712	1758	1812	1867	1913	1984
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1576	1622	1669	1716	1762	1818	1871	1928	1988
1577	1623	1670	1717	1763	1821	1872	1929	1989

1990	2040	2116	2182	2257	2332
1991	2043	2117	2183	2261	2333
1992	2045	2118	2184	2262	2335
1993	2046	2119	2185	2265	2338
1994	2047	2120	2186	2266	2339
1995	2048	2121	2187	2267	2340
1996	2049	2124	2188	2270	2341
1997	2050	2125	2189	2271	2342
1998	2051	2126	2192	2274	2343
1999	2052	2127	2193	2277	2344
2000	2054	2128	2199	2280	2345
2001	2055	2129	2200	2281	2346
2002	2057	2130	2201	2283	2347
2003	2058	2131	2202	2284	2348
2004	2059	2132	2203	2285	2352
2005	2060	2133	2204	2287	2353
2006	2064	2135	2205	2288	2355
2007	2065	2136	2206	2289	2357
2008	2066	2142	2207	2290	2358
2009	2067	2143	2208	2292	2359
2010	2068	2144	2209	2293	2360
2011	2069	2146	2212	2294	2361
2012	2070	2147	2213	2295	2362
2013	2072	2148	2214	2296	2363
2014	2073	2149	2215	2297	2364
2015	2075	2150	2216	2299	2365
2016	2076	2151	2217	2306	2366
2017	2079	2155	2218	2307	2367
2018	2083	2164	2219	2310	2368
2019	2084	2165	2222	2311	2369
2021	2085	2166	2223	2312	2370
2022	2086	2167	2224	2313	2371
2023	2088	2168	2233	2317	2373
2027	2089	2169	2234	2318	2374
2028	2090	2170	2235	2319	2375
2029	2092	2171	2236	2320	2376
2030	2094	2172	2241	2321	2377
2031	2095	2173	2242	2322	2378
2032	2100	2174	2243	2324	2379
2033	2101	2175	2244	2325	2380
2034	2106	2176	2245	2326	
2035	2107	2177	2246	2327	
2036	2108	2178	2252	2328	
2037	2109	2179	2253	2329	
2038	2110	2180	2255	2330	
2039	2111	2181	2256	2331	

EXHIBIT F

THIS EXHIBIT HAS BEEN REDACTED IN ITS ENTIRETY

EXHIBIT G

JENNER&BLOCK

April 2, 2008

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VIA FACSIMILE AND E-MAIL

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Re: Dow v. Nova, C.A. No. 05-737 (JJF), D. Del

Dear Jeffrey:

This letter responds to your letter dated March 14, 2008 regarding alleged deficiencies in Dow's privilege log. Dow responds to each of your allegations below.

With respect to Nova's allegations that Dow's claims of privilege over more than 2000 documents appearing on Dow's privilege log is "unsubstantiated," Dow has again reviewed those entries identified by Nova in Appendix A of your March 14th letter and re-confirmed that majority of the documents enumerated on the list remain privileged. In the process of conducting its review, Dow has determined that some of the documents are not privileged and we will produce the documents in our next document production. As support for its assertion that the entries in question are indeed work- product, we will submit to you shortly the signed declaration of Mr. Mark Johnson, Senior Leader in Dow's Global Intellectual Capital Management function. Mr. Johnson has worked closely with both Dow in-house attorneys and outside counsel regarding infringement issues in this matter. Mr. Johnson's declaration supports Dow's position that the documents appearing under the entries in question are protected from discovery under the work product doctrine. *In re Vecco Instruments, Inc. Securities Litigation*, No. 05-MD-1695 (S.D.N.Y. Jan. 25, 2007).

With respect to Nova's allegations that Dow's claims of immunity over more than 1,700 documents are "improper and overbroad," Nova mischaracterizes Dow's position. The testing reflected in the documents in question was done at the request of Dow's outside counsel in anticipation of litigation. *Novartis Pharm. Corp. v. Abbott Lab.*, 203 F.R.D 159, 163 (D. Del. 2001). Nova relies on cases in its letter that are irrelevant to this issue. The documents reflecting Dow's pre-suit testing were not merely "prepared by or forwarded to [Dow's] in-house counsel." Nor was the properly withheld testing done in the ordinary course of business for "business reasons, including competitive intelligence and reverse engineering." As previously stated in our objections to Nova's improper document requests, the documents on the privilege log reflect testing specifically requested by and communicated to Dow's outside counsel in anticipation of litigation. *Sicurelli et al. v. Jeneric/Pentron Inc.*, No. 03-CV-4934, slip op. at 2-3 (E.D.N.Y. May 16, 2006). Moreover, contrary to your erroneous suggestion, Dow has produced documents that reflect testing done for non-litigation reasons, such as competitive intelligence and other business reasons. (*E.g.*, nos. DN00082495-00082809 and DN00092283-00092378).

With respect to privilege log entries enumerated in Appendix C to Nova's March 14 letter, Dow will provide a supplemental privilege log identifying the attorney or attorney's agent involved in the attorney-client communication. In addition, attached to this letter is a list of Dow attorneys and/or outside counsel referenced in Dow's privilege log.

As for documents related to the prosecution of the patents-in-suit, Dow has produced all non-privileged, relevant documents. Further, Dow has produced non-privileged, relevant documents that reflect testing relating to the prosecution of the patents-in-suit, which Nova incorrectly implies is missing from Dow's document production. (*E.g.* nos. DN00097794-00097834 and DN00099133-00099198). In addition, Dow has not withheld any prosecution documents that "merely forward a communication to or from the Patent Office," as Nova incorrectly suggests. Dow is not withholding any testing data of Mr. Markovich relating to the prosecution of the patents-in-suit. Dow is, however, withholding privileged communications between Mr. Markovich and the Dow legal department. Finally, with respect to draft patent applications, contrary to Nova's unsupported assertion, draft patent applications prepared to elicit or provide attorney advice are privileged. *Rohm & Haas Co. v. Brotech Corp.*, 815 F. Supp. 793, 796-97 (D. Del. 1993).

Very truly yours,

Darrick J. Hooker

DJH:ekw