

From: Lynch, Patrick [PLynch@OMM.com]
Sent: Monday, April 08, 2002 4:58 PM
To: DiBoise, Jamie
Subject: RE: Offer to Stipulate to Open Discovery
Sensitivity: Confidential



Jamie:

I have been travelling since Friday (and took the Cbest on Saturday). I just found your message buried among some two hundred messages generated by a virus.

Sorry for the delay.

As you point out, our opposition to expedited discovery asserts, in part, that if discovery is to be expedited, the court should simply authorize discovery to begin bilaterally. We do also believe, however, that there is no justification to order expedited discovery especially in view of major questions about venue and the adequacy of the complaint.

As discovery is certain to commence in due course, I would be glad to talk to you about the usual issues that go into a discovery plan, and some of the special and unique issues that might arise in this litigation, e.g. translation arrangements. I will be out most of the week, but if you leave me a voice mail, I will get back to you. I will have very limited access to email.

-----Original Message-----

From: JDiBoise@wsgr.com [mailto:JDiBoise@wsgr.com]
Sent: Thursday, April 04, 2002 11:25 PM
To: PLynch@OMM.com; DEberhart@OMM.com
Cc: ESaunders@wsgr.com
Subject: Offer to Stipulate to Open Discovery Immediately
Sensitivity: Confidential

Pat -- after re-reading parts of NDS' opposition to plaintiffs' motion to permit expedited discovery, perhaps I did not communicate clearly or misunderstood your response to my offer to stipulate to the opening of discovery in our telephone conversation on March 19th. I understood you to say that your client was not willing to consider expediting discovery in any fashion. If the response was, as I understand from your opposition papers, that you objected to one way discovery, let me be clear that we are willing to discuss opening two way discovery on a limited basis concerning the grounds and basis upon which Canal+ may seek a preliminary injunction against your clients'

continued illegal activities. We are also willing to discuss a broader scope of discovery should that be necessary to accommodate foreign witnesses' schedules and logistics. Please let me know as soon as possible if you are interested in resolving plaintiffs' motion on this basis.

James A. DiBoise
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