

# Exhibit G

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**From:** Brann, Elizabeth L.  
**Sent:** Friday, July 06, 2012 9:36 PM  
**To:** Menning, Trent L.; Mike Myers  
**Cc:** Bob Espey; Kathy Hamshare; Hnath, Gary; Vu.Bui@usitc.gov; ccpll\_itc@meimark.com; 'clearcorrect@mmellp.com'; Team Align ITC  
**Subject:** RE: Align v. ClearCorrect (ITC): Source code review [MB-AME.FID849553]  
**Attachments:** AlignCC July 6 2012 Letter to M. Meyers and T. Manning Regarding Cheang Objections.pdf  
Mike and Trent:

Please see attached.

Liza

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**From:** Mike Myers [mailto:Mike@mmellp.com]  
**Sent:** Friday, July 06, 2012 9:17 AM  
**To:** Menning, Trent L.; Brann, Elizabeth L.; Team Align ITC  
**Cc:** Bob Espey; Kathy Hamshare; Hnath, Gary; Vu.Bui@usitc.gov; ccpll\_itc@meimark.com; clearcorrect  
**Subject:** RE: Align v. ClearCorrect (ITC): Source code review [MB-AME.FID849553]

Also Liza, can you please let us know if Ms. Cheang has a spouse who is employed by Align or otherwise affiliated with it?

Thank you.

Mike Myers

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**From:** Menning, Trent L. [mailto:TMenning@mayerbrown.com]  
**Sent:** Friday, July 06, 2012 11:07 AM  
**To:** elizabethbrann@paulhastings.com; AlignClearCorrect@paulhastings.com  
**Cc:** Mike Myers; Bob Espey; Kathy Hamshare; Hnath, Gary; Vu.Bui@usitc.gov; ccpll\_itc@meimark.com; clearcorrect  
**Subject:** RE: Align v. ClearCorrect (ITC): Source code review [MB-AME.FID849553]

Liza,

I write in further response to your correspondence with Bob Espey and Mike Myers regarding disclosure of CBI to Carmen Cheang under the protective order in the Align v. ClearCorrect ITC enforcement proceeding. As you know, your first disclosure of Ms. Cheang to ClearCorrect was on June 29. Pursuant to the protective order in this proceeding, you were required to provide the name, educational and detailed employment history of the proposed expert no less than 10 days prior to disclosure of confidential information to the proposed expert. Therefore, your disclosure was late for your proposed July 5 and 6 review of source code mentioned in your June 29 email.

ClearCorrect fully intends to comply with the procedures and timeline set forth in the protective order regarding objections to disclosure of CBI to your proposed expert. To the extent it has not already done so, ClearCorrect will provide you with its objections to the disclosure of CBI to Ms. Cheang by July 9 (10 days following your disclosure of Ms. Cheang). Further, your unilateral

declaration of an impasse is inappropriate, as the procedures in the protective order call for a 10-day period (from when notice of objections is provided) for informal negotiations between the parties before ClearCorrect must submit its objections to the ALJ for a ruling.

To further discussions, we would like additional information regarding Ms. Cheang:

1) You indicated that Ms. Cheang has not worked in any capacity since she resigned from Align in 2010. What has she been doing since that time? We will need a complete list and detailed description of Ms. Cheang's consulting and employment activities since she left Align. Has Ms. Cheang been in contact with anyone from Align since she left? If so, please provide the name of the person(s) contacted at Align and detail the subject matter of the contact(s).

2) Please provide a comprehensive list of all patents and pending applications on which Ms. Cheang is a named inventor, or for which she is or has been involved in prosecution or other proceedings such as reexamination (and describe her involvement).

3) Is it your position that there are no other options for potential experts other than Ms. Cheang? If so, please provide your basis for that assertion.

Thanks and best regards,  
Trent

**Trent L. Menning**  
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**From:** Brann, Elizabeth L. <[elizabethbrann@paulhastings.com](mailto:elizabethbrann@paulhastings.com)>  
**To:** Brann, Elizabeth L. <[elizabethbrann@paulhastings.com](mailto:elizabethbrann@paulhastings.com)>; Mike Myers <[Mike@mmellp.com](mailto:Mike@mmellp.com)>; Team Align ITC <[AlignClearCorrect@paulhastings.com](mailto:AlignClearCorrect@paulhastings.com)>  
**Cc:** Kathy Hamshare <[kathy@mmellp.com](mailto:kathy@mmellp.com)>; Hnath, Gary; [bob@mmellp.com](mailto:bob@mmellp.com) <[bob@mmellp.com](mailto:bob@mmellp.com)>; [bob@mmellp.com](mailto:bob@mmellp.com) <[bob@mmellp.com](mailto:bob@mmellp.com)>; [kathy@mmellp.com](mailto:kathy@mmellp.com) <[kathy@mmellp.com](mailto:kathy@mmellp.com)>; [Vu.Bui@usitc.gov](mailto:Vu.Bui@usitc.gov) <[Vu.Bui@usitc.gov](mailto:Vu.Bui@usitc.gov)>; [ccppl\\_itc@meimark.com](mailto:ccppl_itc@meimark.com) <[ccppl\\_itc@meimark.com](mailto:ccppl_itc@meimark.com)>; [clearcorrect@mmellp.com](mailto:clearcorrect@mmellp.com) <[clearcorrect@mmellp.com](mailto:clearcorrect@mmellp.com)>  
**Sent:** Thu Jul 05 19:37:50 2012  
**Subject:** RE: Align v. ClearCorrect (ITC): Source code review

Dear Mike:

When will you be able to respond to my e-mail below? We are eager to resolve both Ms. Cheang's access to CBI and the schedule for Mr. Guenterberg's deposition as soon as possible so that we can move discovery forward.

Best regards,

Liza

**From:** Brann, Elizabeth L.  
**Sent:** Tuesday, July 03, 2012 2:47 PM  
**To:** Mike Myers; Team Align ITC  
**Cc:** Kathy Hamshare; Gary Hnath; [bob@mmellp.com](mailto:bob@mmellp.com); [bob@mmellp.com](mailto:bob@mmellp.com); [kathy@mmellp.com](mailto:kathy@mmellp.com); [Vu.Bui@usitc.gov](mailto:Vu.Bui@usitc.gov); [ccppl\\_itc@meimark.com](mailto:ccppl_itc@meimark.com); [clearcorrect@mmellp.com](mailto:clearcorrect@mmellp.com)  
**Subject:** RE: Align v. ClearCorrect (ITC): Source code review

Mike:

In light of the expedited schedule in the enforcement action and the case law in my prior e-mail, it is unfortunate that ClearCorrect maintains its objection. Given that the parties are at an impasse, under the protective order ClearCorrect must immediately file its objection with ALJ Bullock. Please let us know when ClearCorrect will file that objection.

Ms. Cheang's services are important to our preparation for Mr. Guenterberg's deposition. Therefore, we request that the deposition be delayed to July 19 or 20 so that ALJ Bullock can resolve ClearCorrect's objection. Please let us know if Mr. Guenterberg is still available on those days.

Best regards,

Liza

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**From:** Mike Myers [<mailto:Mike@mmellp.com>]  
**Sent:** Tuesday, July 03, 2012 1:45 PM  
**To:** Brann, Elizabeth L.; Team Align ITC  
**Cc:** Kathy Hamshare; Gary Hnath; [bob@mmellp.com](mailto:bob@mmellp.com); [bob@mmellp.com](mailto:bob@mmellp.com); [kathy@mmellp.com](mailto:kathy@mmellp.com); [Vu.Bui@usitc.gov](mailto:Vu.Bui@usitc.gov); [ccppl\\_itc@meimark.com](mailto:ccppl_itc@meimark.com); [clearcorrect@mmellp.com](mailto:clearcorrect@mmellp.com)  
**Subject:** RE: Align v. ClearCorrect (ITC): Source code review

Dear Liza:

Thank you for providing the information concerning Ms. Cheang. From this basic information, it is clear Ms. Cheng is currently under a contractual obligation to testify favorably on Align's behalf about matters that are essentially identical to those at issue here, that she owns a significant amount of Align stock, and that she was Align's active employee from the time ClearCorrect filed its suit for declaratory judgment until just two months before Align filed its two law suits against ClearCorrect.

The fourteen day notice provision in the protective order was intended to provide the parties with safeguards for precisely these types of events and, while ClearCorrect responded to the notice about Ms. Cheang in just one business day, the information regarding her demonstrates that she is indeed currently affiliated with Align. ClearCorrect therefore maintains its objection to Ms. Cheang and any review by her of ClearCorrect's software.

Mike Myers

**From:** "Brann, Elizabeth L." <[elizabethbrann@paulhastings.com](mailto:elizabethbrann@paulhastings.com)>  
**To:** "Bob Espey" <[bob@mmellp.com](mailto:bob@mmellp.com)>  
**Cc:** "clearcorrect" <[clearcorrect@mmellp.com](mailto:clearcorrect@mmellp.com)>, "[ccppl\\_itc@meimark.com](mailto:ccppl_itc@meimark.com)" <[ccppl\\_itc@meimark.com](mailto:ccppl_itc@meimark.com)>, "[Vu.Bui@usitc.gov](mailto:Vu.Bui@usitc.gov)" <[Vu.Bui@usitc.gov](mailto:Vu.Bui@usitc.gov)>, "Team Align ITC" <[AlignClearCorrect@paulhastings.com](mailto:AlignClearCorrect@paulhastings.com)>, "[GHnath@mayerbrown.com](mailto:GHnath@mayerbrown.com)"

<GHnath@mayerbrown.com>

**Subject: RE: Align v. ClearCorrect (ITC): Source code review**

Bob:

Please find attached documents pursuant to request numbers 1, 3 and 6 as we interpret them. Please clarify if these documents do not suffice. We request that you treat these documents as CBI under the protective order.

Ms. Cheang has not worked in any capacity since she resigned from Align in 2010, so there are no documents responsive to request numbers 4, 5 or 7. In regards to request number 2, there was no Separation Agreement related to Ms. Cheang's resignation. With respect to number 1, we have attached the patent assignments; however, Ms. Cheang is not an inventor on any of the patents-in-suit.

We hope that these documents will resolve any concerns you may have had regarding Ms. Cheang's prior affiliation with Align. The bottom line is that she has no current consulting or employment affiliation with Align, and has had none since she resigned in 2010.

Ms. Cheang's status as a former employee of Align is not adequate to disqualify her from access to CBI:

The Commission's policy is well established that one who is employed as a technical expert for the purpose of this investigation, unless otherwise employed by, or a consultant in another capacity to a party, is eligible to receive CBI under the terms of the Protective Order. Past employment, even by a party to this investigation, is not a disqualifying factor under the Protective Order.

In the Matter of Certain Light-Emitting Diodes and Products Containing Same, USITC Inv. No. 337-TA-798, 2012 ITC LEXIS 934, at \*8-9 (ALJ Rogers, January 26, 2012)(quoting Certain Microlithographic Machines and Components Thereof, Inv. No. 337-TA-468, Order. No. 20 (July 12, 2002) (emphasis in original) (citations omitted) .

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