

Exhibit 4

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November 14, 2012

VIA ELECTRONIC MAIL

TO: COUNSEL OF RECORD FOR INTERVENOR-
RESPONDENTS AND OBJECTORS

Re: *In re the Application of The Bank of New York
Mellon* (Index No, 6517876-2011)

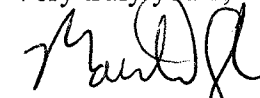
Dear Counsel:

In response to the subpoena issued by the Steering Committee to EmphaSys Technologies, Inc. ("ETI"), dated October 29, 2012 (the "Subpoena"), enclosed please find documents bates-stamped ETI_CW-00000001 through ETI_CW-00000009, which are being produced either via a File Transfer Protocol ("FTP") site or via overnight delivery of a DVD, to all counsel of record for the Intervenor-Respondents and Objectors who have requested such production and have agreed to the terms of the Protective Order, dated June 14, 2012. This production contains 3 documents concerning the scope of services that ETI provided to The Bank of New York Mellon ("BNYM") and Mayer Brown concerning the Settlement Agreement, parts of which have been redacted based on the attorney-client and/or work product privileges. Because ETI was retained for the sole purpose of assisting Mayer Brown in providing legal advice to BNYM, all other documents that ETI may have in its possession that are responsive to the Subpoena are protected from discovery based on the attorney-client and/or work product privileges and will not be produced. The documents contained in this production have been designated "CONFIDENTIAL."

We make this production subject to and without waiving the objections set forth in our letter, dated November 13, 2012.

Please call me or my colleague, Chris Houpt, if you have any questions.

Very truly yours,



Matthew D. Ingber