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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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12 CALCAR, INC., a California corporation; and
 13 AMERICAN CALCAR, INC., a Delaware
 corporation,

14 Plaintiffs,

15 v.

16 THE CALIFORNIA CARS INITIATIVE, INC., an
 17 unknown business entity; and FELIX KRAMER, an
 individual,

18 Defendants.

Case No. 3:08-MC-80083 MHP (WDBx)

Underlying Civil Action Pending in U.S.
 District Court for the Central District of
 California (Civil Action Case No.
 SACV07-00723)

**DECLARATION OF DAVE
 BAGSHAW IN SUPPORT OF
 OPPOSITION TO PLAINTIFFS'
 MOTION TO COMPEL
 DEPOSITION TESTIMONY**

Date: August 6, 2008

Time: 4:00 p.m.

Courtroom: 4, 3rd Floor

Honorable Wayne D. Brazil

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1 I, Dave Bagshaw, declare as follows:

2 1. I make the following declaration in support of my Opposition to Plaintiffs' Motion to
3 Compel me to appear for a deposition. The statements set forth herein are based upon my own personal
4 knowledge and I would testify as set forth if called as a witness at trial.

5 2. I am the former CEO of Shutterfly and formerly also held senior positions at Silicon
6 Graphics, Excite@Home and @ Home Networks.

7 3. I was a volunteer to The California Cars Initiative (TCCI) during the period December
8 2006-July 2007 and since then have not been a volunteer with TCCI.

9 4. On May 27, 2008, I was met by a process server at my home. The process server
10 appeared flustered as he shuffled a stack of papers. Finally, the process server handed me some papers
11 but a check was not one of them. The process server never tendered me any witness or mileage fees.

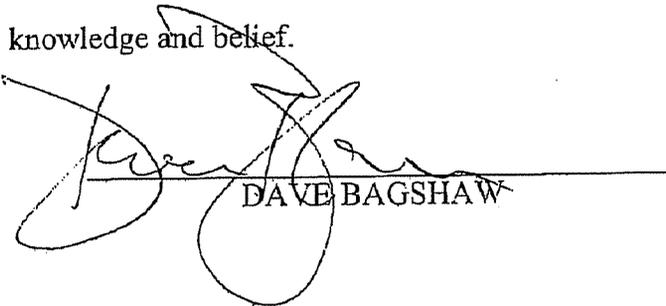
12 5. To my knowledge, TCCI has no products or goods and I have played no role in
13 promoting these non-existent products and have no knowledge of any information related thereto. I am
14 further unaware of any instances of confusion between Plaintiffs and TCCI. Indeed, I don't recall
15 having heard of Calcar, Inc. or American Calcar Inc. prior to this suit.

16 6. I understand that Plaintiffs are the assignee of a patent related to controlling air
17 conditioning in cars. In the brief period that I volunteered for TCCI, I never observed or otherwise had
18 any involvement with anything similar to that. Instead, TCCI's advocacy work related to PHEVs.

19 7. I have previously scheduled personal travel from August 10 through August 17, 2008.

20 I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct to the best of my knowledge and belief.

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23 Dated: July 15, 2008


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28 DAVE BAGSHAW

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