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2 I, Brian D. Hancock, pursuant to 28 U.S.C. § 1746, declare as follows:

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4 1. My name is Brian D. Hancock. I am over eighteen years of age and am competent
5 to testify about the matters set forth herein. I have personal knowledge of the matters set forth
6 herein.

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8 2. I am an attorney at Heninger Garrison Davis, LLC, 2224 1st Avenue North,
9 Birmingham, Alabama 35203, a law firm representing Plaintiff Daniel M. Miller in the above-
10 styled litigation.

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12 3. On June 4, 2010, the Plaintiff served a subpoena duces tecum on Media Temple,
13 Inc., a website hosting and software application services company in Culver City, California,
14 seeking all information in its possession pertaining to Defendant Yao Wei Yeo (“Yeo”). Media
15 Temple responded on June 8th by providing information showing that the address for Yeo listed by
16 Media Temple is 353 Third Avenue, Suite 246, New York, NY 10010.

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18 4. 353 Third Avenue, Suite 246, New York, NY 10010 is the address for UPS Store
19 5865 in Manhattan. The “Suite” number is a mailbox number. On June 10, 2010, the Plaintiff
20 served a subpoena duces tecum on this UPS store to which UPS responded on June 18th by
21 providing documents showing that the UPS mailbox was opened by Yeo on March 21, 2010.

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23 5. On June 18, 2010, the Plaintiff issued the Summons and Second Amended
24 Complaint (“SAC”) via certified mail to “Yao Wei Yeo, 353 3rd Avenue, Suite 246, New York,
25 NY 10010”. On June 28, 2010, the Summons and SAC were delivered to that address and the
26 certified mail receipt was signed by “Alex”, an employee of UPS Store 5865. I know that “Alex”
27 is an employee of this store because I spoke to him over the phone in late June, 2010, and he
28 confirmed his employment.

1 6. On July 2, 2010, I received a voicemail from Craig Clark, in-house counsel for
2 Facebook, Inc. ("Facebook"), consisted, in its entirety, of the following: "Hey Brian, it's Craig
3 Clark over at Facebook. I wanted to give you a heads-up that Yeo actually called us today. We
4 spoke to him and gave him a brief status on the case and told him that we would be passing on the
5 number we got from his phone call to you, so that number is 917-345-4543; 917-345-4543. Ok,
6 thanks."
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8 7. Upon information and belief, Yeo has contracted with Apple, Inc. ("Apple"),
9 headquartered in Cupertino, California, regarding the on-line sale of *ChainRxn* for which he
10 received revenue. This is based upon the fact that as of August 30, 2010, *ChainRxn* was
11 advertised on Apple's iTunes website, as were other "iPhone Apps by Zwiggler's Mobile." On
12 that same date, I sent a notification of claimed infringement to Apple's designated agent, Sue
13 Carroll, pursuant to 17 U.S.C. § 512. At some point in September, 2010, the *ChainRxn*
14 application was removed from the Apple iTunes Store.
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16 8. The *ChainRxn* website hosted by Media Temple (chainrxn.zwiggler.com) has a
17 link entitled "on the iPhone/iPod Touch." When a user clicks on that link, however, he is taken to
18 a Facebook webpage that states "[t]he webpage you requested was not found."
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20 9. On May 12, 2011, I e-mailed Neel Chatterjee of Orrick, Herrington, & Sutcliffe,
21 outside counsel for Facebook in this matter, to inform him of a discrepancy in the testimony of
22 Craig Clark and Yeo concerning a telephone call that took place on July 2, 2010 and inquire as to
23 Facebook's position regarding this discrepancy. Later that day, Mr. Chatterjee responded via e-
24 mail that this matter was settled and that Facebook had no further comments to make.
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I declare under penalty of perjury that the foregoing is true and correct.

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May 19, 2011
Date

/s/ Brian D. Hancock
Brian D. Hancock