

SHARTSIS FRIESE LLP  
ONE MARITIME PLAZA  
EIGHTEENTH FLOOR  
SAN FRANCISCO, CA 94111

SHARTSIS FRIESE LLP  
ARTHUR J. SHARTSIS (Bar #51549)  
ashartsis@sflaw.com  
MARY JO SHARTSIS (Bar #55194)  
mjshartsis@sflaw.com  
ROBERT E. SCHABERG (Bar #81430)  
rschaberg@sflaw.com  
SIMONE M. KATZ-O'NEILL (Bar #246490)  
skatz@sflaw.com  
One Maritime Plaza, Eighteenth Floor  
San Francisco, CA 94111  
Telephone: (415) 421-6500  
Facsimile: (415) 421-2922

Attorneys for Plaintiffs  
SKYRIVER TECHNOLOGY SOLUTIONS, LLC  
and INNOVATIVE INTERFACES, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

SKYRIVER TECHNOLOGY  
SOLUTIONS, LLC, a California limited  
liability company, and INNOVATIVE  
INTERFACES, INC., a California  
corporation,

Plaintiffs,

v.

OCLC ONLINE COMPUTER LIBRARY  
CENTER, INC., an Ohio corporation,

Defendant.

Case No. C 10-03305 JSW

**DECLARATION OF LESLIE STRAUS IN  
OPPOSITION TO DEFENDANT'S  
MOTION TO TRANSFER VENUE TO  
THE SOUTHERN DISTRICT OF OHIO**

Date: October 29, 2010  
Time: 9:00 a.m.  
Judge: Hon. Jeffrey S. White  
Crtrm: 11, 19th Floor

Complaint Filed: July 28, 2010  
Trial Date: None

1 I, LESLIE STRAUS, declare:

2 1. I am the President of Plaintiff SkyRiver Technology Solutions, LLC (“SkyRiver”),  
3 a California limited liability company. I have personal knowledge of the facts set forth herein and  
4 if sworn to testify would and could competently testify thereto.

5 2. SkyRiver has had its headquarters in Emeryville, California, since it was organized  
6 as a California limited liability company in 2009. All corporate and transactional records and  
7 related documents, software and servers are maintained in Emeryville at its headquarters. I have  
8 personal knowledge of the conduct and events described in the Complaint that have harmed  
9 SkyRiver.

10 3. Exhibit A is a list of witnesses who are knowledgeable about the conduct of OCLC  
11 described in the Complaint and the anticompetitive effects of that conduct on libraries and on  
12 SkyRiver. I have prepared this list of witnesses in consultation with executives and employees of  
13 SkyRiver and Innovative Interfaces, Inc. (“Innovative”) who have knowledge of the facts  
14 underlying the claims asserted in the Complaint. The testimony of the witnesses listed is material  
15 to the claims of both SkyRiver and Innovative. Other witnesses, including specific  
16 representatives of some libraries, have not yet been identified by name.

17 4. I have reviewed the Declaration of Bruce Crocco and OCLC’s Motion to Transfer  
18 Venue and Memorandum in Support of the Motion. Mr. Crocco identifies three witnesses at  
19 Michigan State University (“MSU”) whose treatment by OCLC caused harm to MSU and has  
20 caused wide ranging harm to SkyRiver. Each of these witnesses was contacted by telephone—  
21 Cliff Haka, Nancy Fleck and Colleen Hyslop—and asked whether he or she would be willing to  
22 appear at trial in San Francisco, California. All said that they were willing to testify in San  
23 Francisco and then emailed their confirmations. A copy of each witness’s confirmation is  
24 attached hereto as Exhibit B.

25 5. Mr. Crocco has not identified any SkyRiver or Innovative witnesses on his witness  
26 list. The SkyRiver and Innovative employees and executives who have evidence regarding the  
27 claims alleged, and are expected to testify at trial, are identified on Exhibit A.

28 6. OCLC’s treatment of MSU and California State University, Long Beach (“CSU

Long Beach”) has affected libraries throughout the State of California, including CSU Chico and CSU San Jose (and libraries throughout the United States). OCLC’s punitive price quotations and the uncertainty it has created over the availability of interlibrary lending have resulted in many libraries being forced to continue with OCLC’s higher priced cataloging service instead of taking advantage of SkyRiver’s lower cost service.

7. Mr. Crocco does not identify any witnesses in California whose testimony will be important to the claims asserted, even though he acknowledges that OCLC’s treatment of CSU Long Beach is one of the significant events alleged in the Complaint. The University Librarian at CSU Long Beach and other CSU witnesses have relevant and material testimony that will be critical at trial and are identified on Exhibit A.

8. The travel time noted on Exhibit A was derived from the Apollo General Reservations System, a well-known resource used by major airlines. The information was provided by the company’s travel coordinator at my request. Travel time is estimated for one-way travel on the basis of the longer time whether flying from Ohio or to Ohio or from San Francisco or to San Francisco without taking into account travel time to or from the airport, unless that time exceeds 1 hour.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: September 27, 2010

By: /s/ Leslie Straus  
LESLIE STRAUS

**ATTESTATION PURSUANT TO GENERAL ORDER 45 § X(B)**

The ECF registered attorney, by virtue of his/her electronic filing of this document, attests that in concurrence with the filing of this document, original signatures have been obtained from each of the signatories named herein.

DATED: September 27, 2010

By: /s/ Mary Jo Shartsis  
MARY JO SHARTSIS

5556\005\1673256.2