

EXHIBIT 5

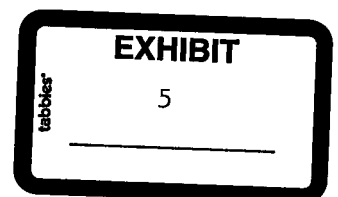
**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

<p style="text-align: center;">PRAGMATUS AV, LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">FACEBOOK, INC., YOUTUBE, LLC, LINKEDIN CORPORATION, and PHOTOBUCKET.COM, INC.,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Civil Action No. 1:10-cv-1288 (LMB/JFA)</p>
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DECLARATION OF TONY RODDE

I, Tony Rodde, declare the following:

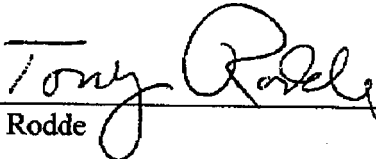
1. I am Tony Rodde. I make this declaration based on my personal knowledge.
2. I understand that I am providing this declaration in connection with the opposition of Pragmatius AV, LLC ("Pragmatius") to the motion to transfer venue filed by the defendants in this case, Facebook, Inc.; YouTube, LLC; LinkedIn Corporation; and Photobucket.com, Inc.
3. I am President of the Intellectual Property Division of Avistar and was previously President of Collaboration Properties, Inc. (Avistar's wholly owned intellectual property licensing subsidiary), and was the primary person involved in the sale of the patents-in-suit to Intellectual Ventures.
4. I currently reside in the state of New Mexico.
5. I provided testimony on behalf of Avistar in both the Tandberg and Polycom cases.



6. If necessary, I am willing to travel to Alexandria, Virginia to provide live trial testimony in this case filed in the United States District Court for the Eastern District of Virginia.

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

Dated: January 21, 2011


Tony Rodde