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12 Attorneys for Plaintiff  
 13 STREETSPLACE, INC.

14  
 15 IN THE UNITED STATES DISTRICT COURT  
 16  
 17 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

18 STREETSPLACE, INC., a Delaware  
 19 corporation,

20 Plaintiff,

21 vs.

22 GOOGLE INC., a Delaware corporation;  
 23 ADMOB, INC., a Delaware corporation;  
 24 APPLE INC., a California corporation;  
 25 QUATTRO WIRELESS, INC., a Delaware  
 26 corporation; NOKIA CORPORATION, a  
 27 foreign corporation; NOKIA INC., a  
 28 Delaware corporation; NAVTEQ  
 CORPORATION, a Delaware corporation;  
 MILLENNIAL MEDIA, INC., a Delaware  
 corporation; JUMPTAP, INC., a Delaware  
 corporation; and DOES 1 through 20,  
 inclusive,

Defendants.

CASE NO. 10-CV-1757-LAB-MDD

**DECLARATION OF TREVOR Q.  
 CODDINGTON IN SUPPORT OF  
 STREETSPLACE, INC.'S OPPOSITION  
 TO DEFENDANTS' SECOND RULE  
 12(B)(6) MOTION TO DISMISS**

Date: May 9, 2011  
 Time: 11:15 a.m.  
 Judge: Hon. Larry A. Burns  
 Ctrm.: 9

1 I, Trevor Q. Coddington, declare as follows:

2 1. I am an attorney licensed to practice in California and this District and am a  
3 Partner with the law firm San Diego IP Law Group LLP, counsel of record for Plaintiff  
4 Streetspace, Inc. (“Streetspace”) in the above-captioned matter.

5 2. Attached hereto as Exhibit A is a true and correct copy of Defendant Apple, Inc.’s  
6 Second Amended Answer, Affirmative Defenses, and Counterclaims to Elan Microelectronics  
7 Corporation’s Complaint for Patent Infringement (“Apple’s Second Amended Answer”) filed on  
8 October 5, 2009, in *Elan Microelectronics Corporation v. Apple, Inc.*, Case No. C-09-01531 RS  
9 (N.D. Cal.).

10 3. For the Court’s convenience, the following table compares Apple’s indirect patent  
11 infringement allegations (in its third counterclaim) against Elan as set forth in Apple’s Second  
12 Amended Answer vis-à-vis Streetspace’s indirect patent infringement allegations against  
13 Millennial Media (exemplary of the indirect infringement allegations levied against all  
14 Defendants) as set forth in Streetspace’s First Amended Complaint.

15 **Apple’s Second Amended Answer**

16 58. Elan has had actual knowledge of  
17 the ‘218 patent since at least July 1, 2009.<sup>1</sup>

18 59. Upon information and belief, Elan  
19 has been and is currently indirectly infringing,  
20 in violation of 35 U.S.C. § 271, the ‘218 patent.  
21 Upon information and belief, the ‘218 patent is  
22 directly infringed by, without limitation,  
23 manufacturers and others in the distribution  
24 channel of laptop computers, using, selling,  
25 offering for sale and/or importing in the United  
26 States, Elan’s touch-sensitive input devices or  
27 touchpads employing the methods and  
apparatuses claimed in the ‘218 patent through  
their processing of gestures, including but not  
limited to the Smart-Pad product. Upon  
information and belief, Elan induces that  
infringement through its intentional marketing,  
sale and/or support, including technical  
support, of such devices in the United States,  
including through EITG, and through the

15 **Streetspace’s First Amended Complaint**

16 180. Streetspace is informed and  
17 believes and based thereon alleges that  
18 Millennial Media is infringing indirectly by  
19 intentionally inducing a direct infringer to  
20 infringe one or more claims of the ‘969 patent.

21 181. Millennial Media has had actual  
22 knowledge of the ‘969 patent since at least  
23 August 23, 2010.

24 182. Streetspace is informed and  
25 believes and based thereon alleges that the ‘969  
26 patent has been and currently is directly  
27 infringed in the United States and abroad by,  
without limitation, (1) consumers receiving  
targeted advertisements from Millennial Media,  
(2) advertisers employing Millennial Media’s  
systems and methodologies for delivering and  
displaying targeted advertisements, and (3) web  
site or app developers utilizing Millennial  
Media’s targeted advertisements. Millennial  
Media has knowledge of and induces that

28 <sup>1</sup> Elan initiated its Complaint against Apple on April 7, 2009. Apple filed an Answer to Elan’s Complaint on May 12, 2009. Apple then filed a First Amended Answer to Elan’s Complaint on July 1, 2009.

1 intentional design, marketing, manufacture,  
2 sale and/or support, including technical  
3 support, of such devices abroad to induce direct  
4 infringement in the United States. Upon  
5 information and belief, Elan's inducement  
6 includes, without limitation, active  
7 encouragement of the use, sale, offer for sale  
8 and/or importation in the United States, of such  
9 devices to enable gestures that infringe the '218  
10 patent on such devices, including through the  
11 promotion and provision of software drivers  
12 and marketing literature that induces direct  
13 infringement. Upon information and belief,  
14 Elan has known or should have known that  
15 these actions would cause direct infringement  
16 of the '218 patent and did so with specific  
17 intent to encourage direct infringement.

infringement by intentionally encouraging  
and/or aiding consumers, advertisers, and app  
developers to use terminals, Millennial Media's  
databases comprising consumer data, and  
Millennial Media's software (i.e., programs)  
for the display of targeted advertisements.  
Millennial Media intentionally designs,  
manufactures, markets, promotes, sells,  
services, supports, provides software developer  
kits and online help, and educates consumers,  
advertisers, and app developers on its software,  
and systems and methodologies for delivering  
and displaying targeted advertisements.  
Millennial Media has known or should have  
known that these actions would cause direct  
infringement of the '969 patent and did so with  
specific intent to encourage and aid direct  
infringement.

183. Streetspace is informed and  
believes and based thereon alleges that  
consumers, advertisers, and app developers put  
Millennial Media's system for delivering and  
displaying targeted advertisements into service,  
i.e., control the system as a whole and obtain  
benefit from it.

4. I declare under penalty of perjury under the laws of the United States that the  
foregoing is true and correct. Executed on April 25, 2011, at San Diego, California.

/TREVOR Q. CODDINGTON/  
TREVOR Q. CODDINGTON