

1 DOUGLAS E. OLSON (CSB# 38649)
2 douglson@sandiegoiplaw.com
3 JAMES V. FAZIO, III (CSB# 183353)
4 jamesfazio@sandiegoiplaw.com
5 TREVOR Q. CODDINGTON, PH.D. (CSB# 243042)
6 trevorcoddington@sandiegoiplaw.com
7 SAN DIEGO IP LAW GROUP LLP
8 12526 High Bluff Drive, Suite 300
9 San Diego, CA 92130
10 Telephone: (858) 792-3446
11 Facsimile: (858) 792-3447

12 Attorneys for Plaintiff
13 STREETSPACE, INC.

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

18
19 STREETSPACE, INC., a Delaware
20 corporation,

21 Plaintiff,

22 vs.

23 GOOGLE INC., a Delaware corporation;
24 ADMOB, INC., a Delaware corporation;
25 APPLE INC., a California corporation;
26 QUATTRO WIRELESS, INC., a Delaware
27 corporation; NOKIA CORPORATION, a
28 foreign corporation; NOKIA INC., a
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
STREETSPACE, 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 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
the ‘218 patent since at least July 1, 2009.¹

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

26 **Streetspace’s First Amended Complaint**

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

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

182. Streetspace is informed and
believes and based thereon alleges that the ‘969
patent has been and currently is directly
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

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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
promotion and provision of software drivers
and marketing literature that induces direct
infringement. Upon information and belief,
Elan has known or should have known that
these actions would cause direct infringement
of the '218 patent and did so with specific
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.

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

/TREVOR Q. CODDINGTON/
TREVOR Q. CODDINGTON