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NETSCAPE COMMUNICATIONS CORP.
and AMERICA ONLINE, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

NETSCAPE COMMUNICATIONS CORPORATION, et al.,

Plaintiffs,

v.

FEDERAL INSURANCE COMPANY, et al.,

Defendants.

CASE NO. C-06-00198 JW (PVT)

**SUPPLEMENTAL DECLARATION OF
LESLIE A. PEREIRA IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO ST.
PAUL'S MOTION TO AMEND
ADMISSION [Requested pursuant to Court
Order of April 16, 2007]**

Magistrate Judge Patricia V. Trumbull

Date: *Taken off calendar by Court*
Time:
Dept: 5

PUBLIC VERSION

USDC CASE NO. C-06-00198 JW (PVT)
SUPPLEMENTAL DECLARATION OF LESLIE A. PEREIRA IN SUPPORT OF PLAINTIFFS' OPPOSITION TO ST. PAUL'S MOTION TO AMEND ADMISSION [Requested pursuant to Court Order of April 16, 2007]

1 I, Leslie A. Pereira, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California and before
3 the bar of this Court. I am of counsel to the law firm of Abelson | Herron LLP and, in that
4 capacity, I am counsel of record for Plaintiffs Netscape Communications Corporation and
5 America Online, Inc. in this action. I have personal knowledge of the matters stated herein,
6 except as to matters upon which I state are based upon information and belief. I could and would
7 competently testify to the same.

8 2. Attached hereto as Exhibit 1 is a true and correct copy of the "Settlement
9 Presentation" referenced in Paragraph 4 of the declaration I submitted to the Court on April 12,
10 2007.

11 a. During discovery in this action, the Settlement Presentation was bates-
12 labeled NET/SDL 00011245-00011342 and produced to St. Paul on June 22, 2006.

13 b. The Settlement Presentation was previously submitted to the Court on
14 January 12, 2007 as Exhibit H to the Declaration of Patrick J. Carome.

15 c. On February 13, 2007, the Court entered an order permitting Plaintiffs to
16 file the Settlement Presentation under seal. (Attached hereto as Exhibit 2 is a true and correct
17 copy of the Court's order re: sealing this document.) **Pursuant to this prior order, Exhibit 1 is**
18 **again being filed under seal.**

19 d. Twenty-six (26) of the Settlement Presentation's specific slides reference
20 AdForce. They can be found at NET/SDL 00011315-00011340.

21 3. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of the
22 deposition testimony of David Park which include advertising-related allegations made in the
23 SmartDownload Claim. The entire deposition of David Park, *including all exhibits thereto*, was
24 bates-labeled NET/SDL 0004457-0004863 and produced to St. Paul on June 22, 2006.

25 4. Attached hereto as Exhibit 4 is a true and correct copy of Exhibit 3 to the
26 deposition of David Park ("PE #3"). It contains four pages that discuss advertising opportunities
27 for SmartDownload. (See NET/SDL 0004487-4490.) PE #3 was previously submitted to the
28 Court on January 12, 2007 as Exhibit D to the Declaration of David Park. On February 13, 2007,

1 the Court entered an order permitting Plaintiffs to file PE #3 under seal. See Exhibit 2.

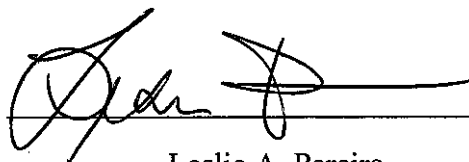
2 **Pursuant to this prior order, Exhibit 4 is again being filed under seal.**

3 5. Attached hereto as Exhibit 5 is a true and correct copy of Exhibit 10 to the
4 deposition of David Park ("PE #10"). It contains a lengthy discussion of a meeting Netscape
5 representatives had with a third-party advertising company, Modem Media, to discuss
6 advertising opportunities.

7 6. Attached hereto as Exhibit 6 is a true and correct copy of Exhibit 13 to the
8 deposition of David Park ("PE #13"). It contains a discussion of the file format needed for
9 AdForce.

10 I declare under penalty of perjury of the laws of the United States of America that the
11 foregoing is true and correct.

12 Executed this 16th day of April 2007 at Los Angeles, California.

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15 Leslie A. Pereira