

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

**GOOGLE INC., AOL LLC, YAHOO!
INC., IAC SEARCH & MEDIA, INC., and
LYCOS, INC.**

Plaintiffs

v.

**L. DANIEL EGGER, SOFTWARE
RIGHTS ARCHIVE, LLC, and SITE
TECHNOLOGIES, INC.**

Defendants

Case No. CV08-03172RMW

DECLARATION OF LEE L. KAPLAN

DECLARATION OF LEE L. KAPLAN

I, Lee L. Kaplan, under penalty of perjury, hereby make the following declaration:

1. My name is Lee L. Kaplan. I am over eighteen (18) years of age and am fully competent to make this Declaration. I have personal knowledge of the facts herein and they are true and correct.

2. I am an of record attorney representing Defendants L. Daniel Egger and Software Rights Archive, LLC.

3. Exhibit 1 to this declaration is a true and correct copy of the August 18, 2008 Declaration of Jeffrey Franklin Ait.

4. Exhibit 2 to this declaration are true and correct excerpts from the December 17, 2008 Bankruptcy hearing.

5. Exhibit 3 to this declaration are true and correct excerpts from the April 15, 2009 Bankruptcy hearing.

6. Exhibit 4 to this declaration is a true and correct copy of the November 26, 2008 Motion (I) To Reopen Closed Case Pursuant to 11 U.S.C. § 350(b) and Rule 5010 in Order to Protect and Auction Patents Held *In Custodia Legis*, (II) To Appoint A Trustee, (III) For a Status Conference Pursuant to § 105(d) To Arrange for Protective Orders and Confirmation of The Continuing Stay, and (IV) For the Other Relief.

7. Exhibit 5 to this declaration is a true and correct copy of the December 16, 2008 Status Conference Statement by Software Rights Archive, LLC.

8. Exhibit 6 to this declaration is a true and correct excerpt from the April 25, 2000 Debtor's First Amended Disclosure Statement.

9. Exhibit 7 to this declaration is a true and correct copy of the November 21, 2007 Original Complaint filed in the Eastern District of Texas.

10. Exhibit 8 to this declaration is a true and correct copy of the June 24, 2009 Order signed by Judge Everingham denying the Reconsideration filing.

11. Exhibit 9 to this declaration is a true and correct copy of the March 31, 2009 Order signed by Judge Everingham denying the Motion to Dismiss.

12. Exhibit 10 to this declaration is a true and correct copy of the November 14, 2008 Declaration of L. Daniel Egger in Support of Defendants' Motion to Dismiss Under Rule 12(B)(2) for Lack of Personal Jurisdiction.

13. Exhibit 11 to this declaration is a true and correct excerpt from the January 27, 2009 deposition of Daniel Egger.

14. Exhibit 12 to this declaration is a true and correct copy of the September 26, 2008 Assignment of Patents and Patent Applications.

15. Exhibit 13 to this declaration is a true and correct excerpt of Site Technologies' 10QSB filed with the SEC for the period ending September 30, 1998.

16. Exhibit 14 to this declaration is a true and correct copy of the August 13, 2008 Assignment of Patents.

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



Lee L. Kaplan
Executed on August 7, 2009
Houston, Texas