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13 Attorneys for Defendants L. Daniel Egger, Software  
 Rights Archive, LLC, and Site Technologies, Inc.

14  
 15 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN JOSE DIVISION**

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

20 **Plaintiffs,**

21 **v.**

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

24 **Defendants.**

Case No. CV08-03172RMW

**DECLARATION OF L. DANIEL EGGER  
 IN SUPPORT OF DEFENDANTS'  
 MOTION TO DISMISS UNDER RULE  
 12(B)(2) FOR LACK OF PERSONAL  
 JURISDICTION**

Date of Hearing: January 23, 2009

Time of Hearing: 10:30 am

1 I, Louis Daniel Egger, declare as follows:

2 1. I was born in New Haven, Connecticut in 1962 and grew up in Connecticut, New  
3 Jersey, and Massachusetts. Following my 1980 graduation from a Massachusetts high school, I  
4 attended Yale University in Connecticut. From 1962 until 1981, I never lived, worked,  
5 maintained an address, or used a bank account in California.

6 2. During the summer and fall of 1981—that is, between my freshman and  
7 sophomore year of college—I temporarily lived in San Francisco, California, and worked at the  
8 Anchor Steam brewery there. In connection with my stay, I temporarily opened a bank account  
9 in California. It was always my intention to stay in California for no more than a few months,  
10 and that is in fact what happened, because I returned to Connecticut in January 1982.

11 3. Other than during my roughly half-year stint in San Francisco in 1981, I have  
12 never lived, worked, maintained an address, maintained a telephone number, paid taxes, or used  
13 a bank account in California. Other than in 1981, I have never stayed in California for more than  
14 a few days at a time.

15 4. I have never attended any educational institution in California. I have never been  
16 registered to vote in California. I have never permanently stored personal property in California.  
17 I have never purchased real property in California. I have never brought a lawsuit in or in any  
18 other way resorted to the courts of California.

19 5. From 1992 to 1996, I was the President and CEO, as well as a shareholder and  
20 director, of Libertech, Inc., a Delaware corporation headquartered first in Washington, D.C. and  
21 then in North Carolina. As an employee and officer of Libertech, I traveled to California from  
22 time to time on company business; that included some efforts to market Libertech's V-Search  
23 technology, as well as to try to sell Libertech. In July 1997, Libertech and all its assets were  
24 purchased by a California company called DeltaPoint, Inc. However, I never traveled to  
25 California in connection with that transaction. In fact, I played no role in connection with that  
26 transaction other than to sign and fax back deal documents from North Carolina in my capacity  
27 as a director and shareholder.

28 6. While I was its President and CEO, Libertech owned the rights to what would

1 eventually issue as U.S. Patent Nos. 5,544,352, 5,832,494, and 6,233,571 ("the patents").  
2 During that time, Libertech never employed patent lawyers in California. I never made contact  
3 with California for purposes of prosecuting the patents or any other patents. I also never made  
4 contact with California to try to sell or license the patents or any other patent.

5 7. After leaving Libertech, I joined Eno River Capital, LLC, a North Carolina-based  
6 venture capital fund that in turn managed interests in North Carolina-based portfolio companies.  
7 I also was, at various times, an investor, director, and/or advisor to SciQuest, Inc., a North  
8 Carolina-based software company. I am currently President and CEO of Open Source Risk  
9 Management, Inc., a North Carolina-based risk management services company. In connection  
10 with these various entities, I have traveled and continue to travel to California a few times a year  
11 on company business.

12 8. In September 1998, I purchased the rights to the patents from Site Technologies,  
13 Inc. (formerly known as "DeltaPoint, Inc."). I called and emailed Site Technologies personnel in  
14 connection with that purchase. I never traveled to California in connection with that purchase.

15 9. I owned the patents directly from September 1998 until February 2005, when I  
16 assigned them to Software Rights Archive, Inc., a wholly-owned Delaware corporation  
17 headquartered in North Carolina. I converted Software Rights Archive, Inc. to Software Rights  
18 Archive, LLC and sold it in May 2007. From September 1998 to May 2007, I never made  
19 contact with the State of California or with any California entity to offer to sell or license the  
20 patents, I never licensed the patents in California or to any California entity, and I never  
21 collected patent-related royalties from any business activities connected with California.

22 10. I have never at any time, either in an individual capacity or on behalf of any  
23 entity, made contact with the State of California or with any California entity to allege that any  
24 entity was infringing the patents. I have never at any time, either in an individual capacity or on  
25 behalf of any entity, made contact with the State of California or with any California entity to try  
26 to judicially or extra-judicially enforce the patents. I have never at any time, either in an  
27 individual capacity or on behalf of any entity, made contact with the State of California or with  
28 any California entity in connection with any exclusive license of any of the technologies

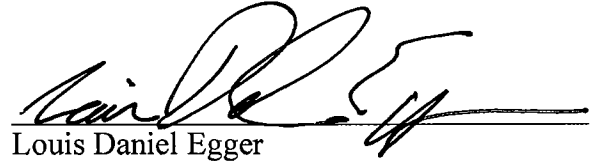
1 embodied in the patents. I have never at any time, either in an individual capacity or on behalf of  
2 any entity, hired a California patent lawyer to help prosecute or enforce the patent rights. I have  
3 never at any time, either in an individual capacity or on behalf of any entity, sold or licensed the  
4 patented technology in California or to any California entity.

5 11. In 2005, I took—and passed—the California bar exam. To date, I have not  
6 applied for admission to the California bar.


7 12. My only further contacts with California have been family-related, such as  
8 camping trips and a college visit with my daughter.

9  
10 I declare under penalty of perjury under the laws of the United States of America that the  
11 foregoing statements are true and correct.

12 Executed this 14th day of November, 2008, in Durham, North Carolina.

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15 Louis Daniel Egger

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Raj Duvvuri