

1 [SEE SIGNATURE BLOCK FOR COUNSEL]

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

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

**Case No. CV08-03172RMW**

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**Plaintiffs**

**DEFENDANTS' OBJECTION TO  
PLAINTIFFS' NOTICE OF DEPOSITION  
PURSUANT TO RULE 30(B)(6)**

13

**v.**

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

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**Defendants**

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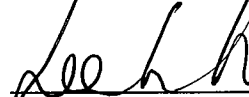
Defendants L. Daniel Egger and Software Rights Archive, LLC ("SRA") object to Plaintiffs' Notice of Deposition of SRA Pursuant to Rule 30(b)(6). The reason is that Plaintiffs have nothing to discover through the deposition. The issue pending before this Court, to which Plaintiffs' deposition is directed, is whether SRA possesses sufficient contacts with California to give rise to personal jurisdiction in this Court. Plainly, however, Plaintiffs already know everything there is to know about SRA's non-existent contacts with California. In their complaint, Plaintiffs admit that SRA is neither incorporated nor based in California. (Compl. ¶ 8.) Further, Plaintiffs admit that SRA has no business activities in California: "As of November 21, 2007, Defendant SRA's sole business activity has been to prosecute an action [in Texas]

1 against Plaintiffs for alleged infringement of the Patents-in-Suit.” (Compl. ¶ 33.) In short,  
2 Plaintiffs already know—and have already admitted—that SRA has no contacts with California.

3 Given that Plaintiffs know that SRA lacks contacts with California, defense counsel  
4 recently asked Plaintiffs’ counsel in a telephone conversation why Plaintiffs were seeking the  
5 deposition of SRA. Plaintiffs’ counsel identified no basis for seeking the deposition, instead  
6 stating that Plaintiffs had “a theory,” which they declined to reveal until after the deposition of  
7 Daniel Egger (scheduled for January 27, 2008).

8 In short, the proposed deposition of SRA will serve no discovery purpose. It is instead a  
9 misuse of discovery procedures for purposes of harassment. SRA objects to presenting a witness  
10 for a purposeless deposition.

11  
12 Respectfully submitted,



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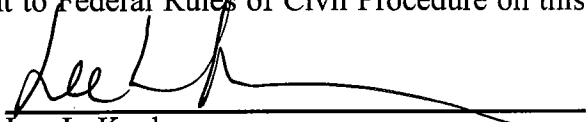
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing instrument has been forwarded to all counsel of record pursuant to Federal Rules of Civil Procedure on this the 15th day of January, 2008.

  
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