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11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

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

17 Plaintiffs,

18 v.

19 L. DANIEL EGGER, SOFTWARE RIGHTS
 20 ARCHIVE, LLC, and SITE TECHNOLOGIES,
 21 INC.,

22 Defendants.

Case No. C-08-03172-RMW

**DECLARATION OF FRANCIS C.
 HO IN SUPPORT OF
 PLAINTIFFS' MOTION TO
 STRIKE SITE TECHNOLOGIES,
 INC.'S MOTION TO DISMISS,
 TRANSFER, OR STAY**

HEARING REQUESTED

Date: February 27, 2009
 Time: 9:00 AM
 Judge: Hon. Ronald M. Whyte

1 I, Francis C. Ho, declare as follows:

2 1. I am an attorney at Morrison & Foerster LLP. I submit this declaration in support
3 of Plaintiffs' Motion to Strike Site Technologies, Inc.'s Motion to Dismiss, Transfer, or Stay. I
4 make this declaration based on my own personal knowledge. If called as a witness, I could and
5 would testify competently to the matters set forth herein.

6 2. Attached to this declaration as Exhibit A is a true and correct copy of the Stock
7 Exchange Agreement entered into by Deltapoint, Inc. (aka Site Technologies, Inc.) and
8 site/technologies/inc. (aka Libertech, Inc.), dated July 11, 1997.

9 3. Attached to this declaration as Exhibit B is a true and correct copy of a document
10 titled Bill of Sale, Assignment & License Agreement, dated September 16, 1998.

11 4. Attached to this declaration as Exhibit C is a true and correct copy of a document
12 titled Assignment of Patent, dated February 22, 2005.

13 5. Attached to this declaration as Exhibit D is a true and correct copy of a Certificate
14 of Ownership and Merger Merging site/technologies/inc. into Site Technologies, Inc., dated
15 December 21, 2000.

16 6. Attached to this declaration as Exhibit E a true and correct copy of the Order
17 Appointing Natural Person as Responsible Person Pursuant to B.L.R. 4002-1, filed in the United
18 States Bankruptcy Court for the Northern District of California, Case No. 99-50736-JRG, dated
19 February 3, 1999.

20 7. Attached to this declaration as Exhibit F is a true and correct copy of the Order
21 Authorizing and Approving Employment of Counsel, filed in the United States Bankruptcy Court
22 for the Northern District of California, Case No. 99-50736-JRG, dated February 4, 1999.

23 8. Attached to this declaration as Exhibit G is a true and correct copy of the Order
24 Authorizing and Approving Employment of Special Corporate Counsel (Wilson Sonsini
25 Goodrich & Rosati), filed in the United States Bankruptcy Court for the Northern District of
26 California, Case No. 99-50736-JRG, dated March 18, 1999.

27 9. Attached to this declaration as Exhibit H is a true and correct copy of the Order
28 Confirming Debtor's First Amended Plan of Reorganization, without attachments, filed in the

1 United States Bankruptcy Court for the Northern District of California, Case No. 99-50736-JRG,
2 dated June 15, 2000.

3 10. Attached to this declaration as Exhibit I is a true and correct copy of excerpts from
4 the Debtor's First Amended Plan of Reorganization, filed in the United States Bankruptcy Court
5 for the Northern District of California, Case No. 99-50736-JRG, dated April 25, 2000.

6 11. Attached to this declaration as Exhibit J is a true and correct copy of the Final
7 Decree, filed in the United States Bankruptcy Court for the Northern District of California, Case
8 No. 99-50736-JRG, dated January 6, 2004.

9 12. Attached to this declaration as Exhibit K is a true and correct copy of a document
10 titled Statement of Information, dated August 1, 2008.

11 13. Attached to this declaration as Exhibit L is a true and correct copy of a document
12 titled Assignment of Patents, dated August 13, 2008.

13 14. Attached to this declaration as Exhibit M is a true and correct copy of a
14 Declaration of Jeffrey Ait, dated August 18, 2008.

15 15. Attached to this declaration as Exhibit N is a true and correct copy of a letter from
16 Richard S.J. Hung, counsel for Yahoo! Inc., to Lee L. Kaplan, counsel for Software Rights
17 Archive, LLC, dated September 17, 2008.

18 I declare under penalty of perjury that the foregoing is true and correct. Executed in San
19 Francisco, California this 20th day of January 2009.

20
21 /s/ Francis C. Ho

Francis C. Ho

22 I, Richard S.J. Hung, am the ECF User whose ID and password are being used to file
23 Plaintiffs' Motion to Strike Site Technologies, Inc.'s Motion to Dismiss, Transfer, or Stay. In
24 compliance with General Order 45, X.B., I hereby attest that Francis C. Ho has concurred in this
25 filing.

26 Dated: January 20, 2009

27 /s/ Richard S.J. Hung

Richard S.J. Hung