

EXHIBIT A

1 [SEE SIGNATURE BLOCK FOR COUNSEL]

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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

Civil Case No. 5:08 -cv-03172 RMW (RS)

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Plaintiffs,

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v.

Honorable Ronald M. Whyte
Courtroom 6, 4th Floor

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

12

Defendants.

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

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PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of

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Civil Procedure, Plaintiffs Google, Inc., AOL, LLC, Yahoo! Inc., IAC Search & Media, Inc., and

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Lycos, Inc. (collectively, "Plaintiffs") will take the deposition of Defendant Software Rights

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Archive, LLC ("Software Rights Archive") on January 29, 2009 at Smyser Kaplan & Veselka,

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L.L.P., 700 Louisiana, Suite 2300, Houston, Texas 77002, commencing at 9:30 a.m., or at such

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other time and place as may be agreed upon by the parties. This deposition will be taken before a

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notary public or such other person who is authorized to administer oaths, will be recorded

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stenographically and by videotape, and will continue from day to day, Saturdays, Sundays and

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holidays excepted, or as otherwise agreed to by counsel, until completed. Software Rights

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Archive is directed to designate individual(s) knowledgeable to offer deposition testimony on

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Topics 1 through 17 set forth in Exhibit A hereto. Software Rights Archive is requested to

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provide Plaintiffs with the identity of each designated individual and the topics for which they

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have been designated to testify no later than five (5) business days prior to the deposition.

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1 Dated: December 22, 2008

Respectfully submitted,

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pro hac vice

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28 MEDIA, INC. and LYCOS, INC.

1 **EXHIBIT A**

2 **Definitions**

3 1. Unless otherwise defined herein, capitalized terms herein have the meanings
4 assigned to them in the Complaint.

5 2. The terms “YOU”, “YOUR”, or “SOFTWARE RIGHTS ARCHIVE” mean
6 and refer to Software Rights Archive, LLC, and each predecessor (including Software Rights
7 Archive, Inc.), successor, division, subsidiary, parent, or related company thereof, and their
8 affiliates, each of their present and former executives, offices, directors, consultants, advisors,
9 representatives, agents, attorneys, employees and all persons acting or purporting to act on behalf
10 of any of the foregoing.

11 3. “SRA, LLC” means SRA, LLC, the party identified as wholly owning
12 Software Rights Archive, LLC in Docket No. 3, individually and collectively, including without
13 limitation all of its corporation locations, all predecessors, and all directors, officers, agents,
14 representatives, employees, consultants, attorneys, its parents, and all entities acting in consort,
15 joint-venture or partnership relationships with, and others acting on behalf of, SRA, LLC.

16 4. The term “CALIFORNIA” means the State of California.

17 5. The term “ACTION” means the above-captioned action.

18 6. The term “COMPLAINT”, when not otherwise qualified, means Plaintiffs’
19 Complaint in this Action.

20 7. The term “PERSON” means and refers to both natural persons and legal
21 entities, without limitation, including all predecessors-in-interest, groups, associations,
22 partnerships, corporations, agencies, or any other legal, business or governmental entity.

23 8. The use of the singular shall be deemed to include the plural.

24 9. The connectives “AND” and “OR” shall be construed disjunctively or
25 conjunctively as necessary to bring within the scope of the Topic all information that might
26 otherwise be construed to be outside of its scope.

1 10. The terms “ALL”, “ANY”, “EACH” and “EVERY” shall each be construed
2 as both “each” and “every” to bring within the scope of the Topic all responses which might
3 otherwise be construed to be outside its scope.

4 11. The term “INCLUDING” shall mean including without limitation.

5 **Topics**

6 1. YOUR relationship with SRA, LLC.

7 2. YOUR relationship with Altitude Capital Partners, L.P. and ANY partners
8 thereof, AND any predecessors OR successors in interest.

9 3. YOUR owners AND/OR any beneficiaries who have an interest in YOU.

10 4. Each AND every person AND entity having an interest in the outcome of
11 this Action and/OR the litigation captioned Software Rights Archive, LLC. v. Google Inc. et al.,
12 Civil Action No.2:07-cv-511-TJW (CE) (Eastern District of Texas).

13 5. Each AND every contact by YOU, on YOUR behalf, OR directed by YOU
14 with CALIFORNIA, AND PERSON domiciled in CALIFORNIA, ANY CALIFORNIA
15 corporation, AND/OR ANY entity doing business in CALIFORNIA.

16 6. The solicitation AND/OR acquisition of ANY capital, equity, loans, line of
17 credit, AND/OR funds from PERSONS AND/OR entities in CALIFORNIA, by YOU, SRA, LLC,
18 YOUR agents, YOUR principals, AND/OR ANY related OR controlling entities, AND/OR on
19 their behalf.

20 7. Any activity conducted, or to be conducted in CALIFORNIA, by OR for
21 YOU AND/OR SRA, LLC AND/OR involving ANY citizen thereof.

22 8. EACH AND EVERY contractual AND/OR other business relationship
23 involving YOU AND/OR SRA LLC, and any of the following (i) a PERSON or entity in
24 CALIFORNIA OR having such citizenship or domicile, (ii) CALIFORNIA law, AND/OR (iii)
25 anticipated or actual performance OR activity in CALIFORNIA.

26 9. Each and every communication by YOU AND/OR SRA, LLC to a
27 CALIFORNIA address, CALIFORNIA telephone number, AND/OR PERSON OR entity located
28 in or domiciled in CALIFORNIA.

1 10. YOUR relationship with Daniel Egger including his role, title, AND interest
2 in You at all times, AND ANY correspondence AND agreements.

3 11. Each website ever maintained by YOU or on YOUR behalf.

4 12. Any and all of YOUR business activities in connection with offering an
5 “Archive” purportedly containing “large library of licensed source code, rare forms of technical
6 literature and documentation, and oral histories”

7 13. Any and all of YOUR business activities other than “in February 2005, ...
8 acquir[ing] the patents-in-suit ... and in November 2007, ... fil[ing] its patent lawsuit against
9 Plaintiffs in the Eastern District of Texas.”

10 14. YOUR formation and the circumstances surrounding it.

11 15. ANY change in YOUR status AND/OR name.

12 16. YOUR (including specifically Software Rights Archive, Inc.) corporate
13 structure, organization, management, corporate assets, physical locations, and past or present
14 employees, partners, agents, officers, AND/OR directors.

15 17. ANY and ALL capital, equity, loans, lines of credit, or investment
16 established in or for YOU (including specifically Software Rights Archive, Inc.).

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on all counsel of record, as follows, on this 22nd day of December 2008.

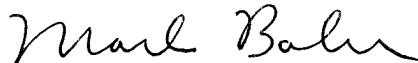
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