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 5 ATTORNEYS FOR PLAINTIFF  
 6 SOFTWARE RIGHTS ARCHIVE, LLC

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 9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**  
 11 **SAN JOSE DIVISION**

12 **SOFTWARE RIGHTS ARCHIVE, LLC,**  
 13 **Plaintiff**  
 14 v.  
 15 **GOOGLE, INC., YAHOO!, INC., IAC**  
 16 **SEARCH & MEDIA, INC., AOL LLC, and**  
 17 **LYCOS, INC.,**  
 18 **Defendants.**  
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**Case No. CV09-80004 MISC**  
**Case No. 2:07-cv-511 (CE)**  
**EASTERN DISTRICT OF TEXAS**

**DECLARATION OF LEE L. KAPLAN TO**  
**RESPONDENTS' OPPOSITION TO**  
**MOTION TO COMPEL COMPLIANCE**  
**WITH YAHOO!'S SUBPOENA ON**  
**MURRAY & MURRAY**

20 I, Lee L. Kaplan, declare as follows:

21 1. I am an attorney licensed to practice in the State of Texas and admitted pro hac  
 22 vice before this Court. I am a partner with the law firm of Smyser Kaplan & Veselka, L.L.P.,  
 23 counsel for Software Rights Archive, LLC ("SRA") in this matter. The following facts are  
 24 within my personal knowledge, and, if called upon to do so, I could and would testify  
 25 competently thereto.  
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1           2.       Exhibit 1 to this declaration is a true and correct copy of the July 16, 2008  
2 Defendants' Motion to Dismiss for Lack of Standing.

3           3.       Exhibit 2 to this declaration is a true and correct copy of the August 25, 2008  
4 Plaintiff's Response to Defendants' Motion to Dismiss.

5           4.       Exhibit 3 to this declaration is a true and correct copy of the April 25, 2000  
6 Debtor's First Amended Plan of Reorganization.

7           5.       Exhibit 4 to this declaration is a true and correct copy of the December 15, 2008  
8 Plaintiff's Sur-Response to Defendants' Motion to Dismiss.

9           6.       Exhibit 5 to this declaration is a true and correct copy of the November 10, 2008  
10 Reply in Support of Defendants' Motion to Dismiss for Lack of Standing.

11           7.       Exhibit 6 to this declaration is a true and correct copy of the June 6, 2004 Final  
12 Decree of the United States Bankruptcy Court, Northern District of California, San Jose  
13 Division.

14           8.       Exhibit 7 to this declaration is a true and correct copy of the California corporate  
15 status of Site Technologies, Inc. as of January 30, 2009.

16           9.       Exhibit 8 to this declaration is a true and correct copy of the December 22, 2008  
17 subpoena sent to Murray & Murray.

18           10.      Exhibit 9 to this declaration is a true and correct copy of the January 5, 2009  
19 Responses and Objections of Third Party Murray & Murray to Subpoena in a Civil Case from  
20 Defendant Yahoo! Inc.

21           11.      Exhibit 10 to this declaration is a true and correct copy of the December 29, 2008  
22 Software Rights Archive, LLC's and Site Technologies, Inc.'s Objections and Responses to  
23 Subpoena served on Murray & Murray, P.C.  
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12. Exhibit 11 to this declaration is a true and correct copy of the September 2, 2008 Subpoena to Jeffrey Franklin Ait.”

I declare under penalty of perjury under the laws of the United States and California that the foregoing is true and correct and that this Declaration is executed on March 27, 2009 in Houston, Texas.

Date: March 27, 2009

SMYSER KAPLAN & VESELKA, L.L.P.



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Lee L. Kaplan  
Attorney for Plaintiff  
Software Rights Archive, LLC