

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
LEWIS T. BABCOCK, CHIEF JUDGE

Civil Action No.: 06-cv-01726-LTB-CBS

INTERNET ARCHIVE, a California 501(c)(3) non-profit organization,

Plaintiff and Counterclaim Defendant,

v.

SUZANNE SHELL, a Colorado resident,

Defendant and Counterclaimant.

v.

BREWSTER KAHLE, an individual,

RICK PRELINGER, an individual,

and

KATHLEEN BURCH, an individual

Counterclaim Defendants

DECLARATION OF BREWSTER KAHLE IN SUPPORT OF
THE INDIVIDUAL DEFENDANTS' MOTION TO DISMISS

I, Brewster Kahle, declare as follows:

1. I am on the Board of Directors of the Internet Archive. I am a resident of the state of California. I have personal knowledge of the facts set forth in this Declaration and can competently testify to those facts.
2. I do not have any offices, warehouse facilities or property of any kind in Colorado.
3. I do not pay taxes in Colorado.
4. I do not have a bank account in Colorado.
5. I do not have a telephone listing or mailing address in Colorado.
6. I am not aware of making any direct sales in Colorado.
7. I do not make sales through distributors or franchisees in Colorado.

8. I am not aware of making any efforts, including but not limited to advertising, to serve the Colorado market.
9. The only contract I made with a Colorado resident is a contract I maintain with a lawyer for personal financial reasons.
10. I own a Limited Liability Partnership for personal financial reasons that is located in Colorado but has no operations in Colorado and does not conduct business in Colorado.
11. I have no sales contacts in Colorado.
13. I am not aware of selling products in Colorado (neither directly, through distribution channels nor by customers who bring products into Colorado that were purchased elsewhere).
14. I have never filed a lawsuit in Colorado.
15. I am not aware of making Internet sales or solicitations to Colorado residents via an interactive website.
16. The only meetings or other activities I have conducted in Colorado or with Colorado residents are telephone calls with a lawyer for personal financial reasons.
17. I have never resided in Colorado.
18. I have traveled to Colorado as a tourist and for occasional conferences.
19. Travel to Colorado for the purpose of this lawsuit would create great inconvenience for me.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. This declaration is executed this March 8, 2007, in San Francisco, California.

s/ Brewster Kahle
Brewster Kahle