

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

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

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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

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DECLARATION OF RICHARD PRELINGER IN SUPPORT OF  
THE INDIVIDUAL DEFENDANTS' MOTION TO DISMISS

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I, Richard Prelinger, 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 have never owned or been affiliated with a company incorporated, or registered to do business in Colorado.
3. I do not own property of any kind in Colorado.
4. I do not pay taxes in Colorado.
5. I do not have a bank account in Colorado.
6. I do not have a telephone listing or mailing address in Colorado.
7. I do not make any direct sales in Colorado.
8. I do not make sales through distributors or franchisees in Colorado.

9. I do not have agents or employees in Colorado.
10. I have not made any efforts, including but not limited to advertising, to serve the Colorado market.
11. I have not maintained any contracts with Colorado residents.
12. I do not have any sales contacts with Colorado residents.
13. I do not sell 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 have not made Internet sales or solicitations to Colorado residents via an interactive website.
16. I have not conducted meetings or other activities in Colorado or with Colorado residents.
17. I have never resided in Colorado.
18. I have traveled to Colorado.
19. I traveled to Aspen, Colorado in 1995 as a guest speaker in the educational program at the International Design Conference. I did not receive an honorarium and traveled at my own expense.
20. I drove through Denver, Colorado in 1976 on a cross-country automobile trip.
21. Travel to Colorado for the purpose of this lawsuit would create great inconvenience for me. I am currently employed by Prelinger Associates, Inc., a two-person company in the business of licensing stock film footage. Our videotape library is physically located in California. I am required to view, select and edit videotape material on a daily basis in order to fulfill urgent customer orders which are communicated to us at frequent and unpredictable times. I am also currently consulting for New York University and the British Film Institute. Both engagements involve considerable amounts of writing which require constant access to my files and personal research library. Absence from California would cause substantial loss of income and be destructive to client and customer relationships.

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/ Richard Prelinger  
Richard Prelinger