

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 09-cv-00636-REB-KLM

VIDEO PROFESSOR, INC. a Colorado corporation,

Plaintiff,

v.

AMAZON.COM, INC., a Delaware corporation,

Defendant.

AFFIDAVIT OF MICHAEL W. SVOBODA

I, Michael W. Svoboda, being of lawful age and having personal knowledge of the facts stated below, declare under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct:

1. I am the Data Communications Manager of Video Professor, Inc. ("VPI") and have been so employed for the past 18 years.
2. One of my regular daily duties since commencing employment with VPI includes transporting mail, product, etc., between VPI's warehouse and its home office.
3. Over the past five years I estimate that I picked-up at the warehouse and delivered to the home office approximately 50 packages a year.
4. Of these packages, the vast majority, between 80 and 90 percent, consisted of "Professor Teaches" CDs that were mistakenly returned to VPI by consumers apparently believing VPI to be the source of the CD products.

Further affiant sayeth naught.

