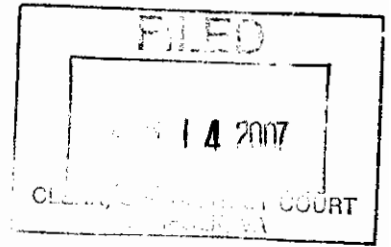


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
(NORFOLK DIVISION)



*J. Kovar*

LYCOS, INC.,  
  
Plaintiff,  
  
vs.  
  
TIVO INC.,  
NETFLIX, INC., and  
BLOCKBUSTER, INC.  
  
Defendants.

CIVIL ACTION NO. 2:07cv03

DECLARATION OF PAVEL  
KOVAR IN SUPPORT OF MOTION  
TO TRANSFER

I, Pavel Kovar, declare:

1. I am currently Director, Chief Accountant at TiVo. I have served in this capacity since February 17, 2007, and I have been employed at TiVo since February 17, 2007. My responsibilities at TiVo have included overseeing TiVo's accounting and reporting on matters, including those involving subscriptions and resources. I have personal knowledge of the facts set forth herein, and, if called as a witness, could competently testify to such facts under oath.

2. TiVo is a pioneer in home entertainment and is best known for its development of the first commercially available digital video recorder (DVR) and corresponding service. TiVo's focus is products and services that allow consumers access to the digital entertainment they want, where and when they want it.

3. TiVo is a Delaware corporation and is located in Alviso, California.

4. TiVo's employees and documents are primarily located in California; none are found in Virginia.


5. TiVo's "Suggestions" technology was designed and developed in California.

6. While TiVo has DVR subscribers in Virginia, it has subscribers all across the United States. TiVo services its DVRs, providing television program guide data and software updates, from its facilities in California.

7. TiVo has no resources – no servers, computers, documents, employees, and facilities – in Virginia.

Executed June 8, 2007 at Alviso, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
Pavel Kovar