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**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THE HERSHEY COMPANY,  
  
Plaintiff/Counterclaim Defendant,  
  
v.  
  
HOTTRIX LLC,  
  
Defendant/Counterclaim Plaintiff.

No. 1:10-cv-1178-JEJ  
  
JUDGE JOHN E. JONES III

**DECLARATION OF VICTORIA HAJE IN SUPPORT OF  
HERSHEY’S MOTION TO DISMISS THE AMENDED COUNTERCLAIMS  
AND FOR JUDGMENT ON THE PLEADINGS**

I, Victoria Haje, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney associated with the law firm of Kaye Scholer, LLP, counsel for The Hershey Company (“Hershey”) in this action. I submit this declaration in support of Hershey’s motion to dismiss the amended counterclaims

of Hottrix LLC (“Hottrix”) pursuant to Rule 12(b)(6), and for judgment on the pleadings pursuant to Rule 12(c) with respect to Hershey’s claim for declaratory judgment of non-infringement.

2. I submit this declaration to provide the Court with videos of the two iPhone applications at issue in this matter, Hershey’s HERSHEY’S Syrup application for iPhone (the “HERSHEY’S Syrup App”) and Hottrix’s iMilk application for iPhone (the “iMilk App”). These videos were made under my direction and control by running each respective application on an iPhone device, operating the applications through their various features, and recording that operation (including the video display and sounds of the applications) on a video camera.

3. Attached as Exhibit A hereto is CD-ROM containing two video files, one depicting the iMilk App (named “Haje Exhibit A-1 - iMilk App”) and one depicting the HERSHEY’S Syrup App (named “Haje Exhibit A-2 – Hershey App”).

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

Executed this 20<sup>th</sup> day of October, 2010 at New York, New York.

  
Victoria Haje

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and that the document is being served electronically upon counsel of record through the Court's electronic transmission facilities, with the exception of the physical exhibits to the Declaration of Victoria Haje, which were hand-delivered to the Court and counsel.

/s/ Harvey Freedenberg  
Harvey Freedenberg

Of Counsel for Plaintiff/Counterclaim  
Defendant The Hershey Company

Dated: October 21, 2010