

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BRIGHT RESPONSE, LLC,
F/K/A POLARIS IP, LLC

v.

GOOGLE INC., et al.

Civil Case No. 2:07-CV-371-TJW-CE

JURY TRIAL DEMANDED

**DECLARATION OF TODD KENNEDY IN SUPPORT OF
DEFENDANTS' RESPONSE TO BRIGHT RESPONSE'S MOTION IN LIMINE NO. 2
TO EXCLUDE CERTAIN TESTIMONY OF CHUCK WILLIAMS**

I, Todd Kennedy, declare:

1. I am an associate of Quinn Emanuel Urquhart Oliver & Hedges LLP, attorneys for defendants Google Inc., America Online, Inc., and AOL, LLC in this litigation. The facts stated herein are true and of my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. On or about May 3, 2010, I discovered an article in the March/April 1995 issue of PCAI magazine entitled "Smart Front-Office Applications." The article depicted a hybrid case-based and rule-based system. The author's article was Chuck Williams, who according to the article was the executive vice-president and chief technical officer of Inference Corporation. After tracking down Mr. Williams through Internet research, I spoke with him on May 10, 2010. During that conversation, I learned that Mr. Williams had personal knowledge of the EZ Reader system.

3. On or about May 24, 2010, Defendants produced the PCAI magazine article to Bright Response.

4. In response to subpoenas served by Bright Response, Chuck Williams produced several thousand emails and documents, and appeared for deposition. Among these documents is a Microsoft Word file containing a draft of an article entitled "Artificial Intelligence on the Internet," and bearing a native file date of April 25, 1996.

5. Attached as Exhibit A is a true and correct copy of excerpts from the July 15, 2010 deposition of James Charles Williams.

6. Attached as Exhibit B is a true and correct copy of Defendant Yahoo! Inc.'s Supplemental Disclosures served on July 2, 2010.

7. Attached as Exhibit C is a true and correct copy of Defendants' July 8, 2010 Subpoena to Chuck Williams to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action.

8. Attached as Exhibit D is a true and correct copy of Defendants' July 8, 2010 Subpoena to Chuck Williams to Testify at a Deposition in a Civil Action.

9. Attached as Exhibit E is a true and correct copy of an email exchange between various individuals between March 27 and March 28, 1996.

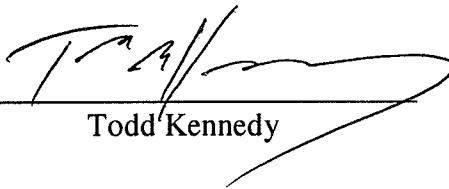
10. Attached as Exhibit F is a true and correct copy of a March 29, 1996 email from Amy Rice to Michael P. Mazza, Rosanna Piccolo and Thomas Keely with cc's to Amy Rice, Anthony Angotti and Connie Lynch.

11. Attached as Exhibit G is a true and correct copy of an email exchange between David Pridham and Chuck Williams spanning February 3 to February 19, 2003.

12. Attached as Exhibit H is a true and correct copy of Defendant Google Inc.'s Fifth Supplemental Initial Disclosure Pursuant to FRCP 26(a)(1) and Discovery Order.

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

Executed on: July 26, 2010

By: 
Todd Kennedy