

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

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

v.

GOOGLE INC., et al.

NO. 2:07-CV-371-TJW-CE

DECLARATION OF JAMES CHARLES WILLIAMS

I, James Charles Williams, declare:

1. The facts set forth in this declaration are true and correct and of my personal knowledge. If called as a witness, I could and would testify competently thereto.

2. In 1995, I co-founded Brightware, Inc., and became the company's chief executive officer. I served in that capacity until approximately June 1999.

3. On July 15, 2010, I testified in the above-captioned case regarding EZ Reader, a Brightware application that was developed and deployed while I was the CEO of the company.

4. Prior to my deposition, I collected a number of emails and documents for production in response to a subpoena served by Bright Response. These emails and documents had been written by Brightware employees with personal knowledge of the acts and events discussed in the emails and documents. The emails and documents were prepared and maintained in the course of regularly conducted business activity at Brightware, and it was customary for Brightware employees to rely on the contents of such emails and documents in the usual course of the company's business.

5. In order to refresh my recollection prior to my deposition, I reviewed a number of these emails and documents that were written at or near the time of EZ Reader's development

and deployment. During my deposition, counsel for Bright Response asked me about some, but not all, of these emails and documents.

6. During my deposition, I testified that I believe EZ Reader was deployed at least by the last weekend of March 1996. This testimony is based on my own personal knowledge of EZ Reader that I acquired as a result of my role as CEO of Brightware, which was refreshed by reviewing various emails and documents from the time period in question. For instance, I recall that Brightware submitted an article for publication to the IAAI, entitled “EZ Reader: Embedded AI for Automatic Electronic Mail Interpretation and Routing.” The article, which is attached as Exhibit A to this declaration, states that “Phase I of EZ Reader was deployed in the first quarter of 1996, and handles up to 80% of incoming mail automatically, depending on message content.”

7. I also recall reviewing and revising an article that was published in a San Francisco newspaper and Chief Executive magazine, entitled “Artificial Intelligence on the Internet.” A draft of the article, which I located while searching for documents responsive to the subpoena in this case, is attached as Exhibit B to this declaration. The draft states that “Chase Manhattan Bank uses an AI system on the Internet to automatically respond to incoming email questions from customers and prospects.” Based on my familiarity with the EZ Reader project, this statement is referring to the deployment of EZ Reader. I recall that this article was drafted in the first quarter of 1996, and I specifically recall suggesting that the Chase example could be added to the article.

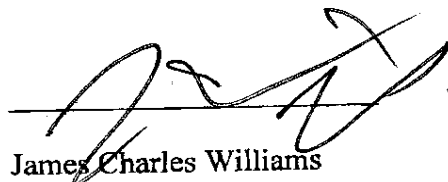
8. During my time at Brightware, I became familiar with the email and document system that that the company used. In 1996, the routing and delivery of Brightware’s emails was performed by a Microsoft Mail application. As shown in Exhibit C to this declaration, I became sufficiently familiar with this system that, in March of 1996, I assisted other Brightware

employees in troubleshooting a technical issue that had resulted in the server becoming temporarily disabled. I am also familiar with the process by which emails and documents were created, received, and maintained at Brightware.

9. The emails and documents that I collected and produced were made and kept as a regular practice of a regularly conducted activity by Brightware. In particular, Brightware employees who worked on projects such as EZ Reader were expected to provide updates to their supervisors regarding the status of the projects. Consistent with Brightware's day-to-day business requirements, these updates were frequently and customarily provided in email messages.

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

Executed this 26th day of July, 2010 in San Francisco CA


James Charles Williams