

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

BRIGHT RESPONSE, LLC,	§	Civil Action No. 2:07-cv-371-CE
	§	
Plaintiff,	§	
	§	JURY TRIAL DEMANDED
v.	§	
	§	
GOOGLE INC., et al.,	§	
	§	
Defendants.	§	

DECLARATION OF ANDREW D. WEISS IN SUPPORT OF BRIGHT RESPONSE, LLC'S RESPONSE TO DEFENDANTS' JOINT MOTION *IN LIMINE* NO. 6: MOTION TO EXCLUDE EVIDENCE AND ARGUMENT THAT ALLEN DOES NOT DISCLOSE A "NON-INTERACTIVE ELECTRONIC MESSAGE"

FILED UNDER SEAL

I, Andrew D. Weiss, declare and state as follows:

1. I am a member of the State Bar of California and an associate at the firm of Russ, August & Kabat, counsel of record for Plaintiff Bright Response, LLC in the above-captioned action. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Exhibit A is a true and correct copy of the relevant excerpts of the REBUTTAL EXPERT REPORT OF DR. V. THOMAS RHYNE PURSUANT TO RULE 26(a)(2)(B) OF THE FEDERAL RULES OF CIVIL PROCEDURE (VALIDITY OF THE ASSERTED CLAIMS OF THE '947 PATENT), served July 20, 2010.

3. Exhibit B is a true and correct copy of the relevant excerpts of the REPORT OF DEFENDANTS' EXPERT L. KARL BRANTING, PH.D, J.D. CONCERNING INVALIDITY OF CLAIMS 26, 28, 30, 31, 33, AND 38 OF U.S. PATENT NO. 6,411,947, served July 6, 2010.

3. Exhibit C is a true and correct copy of the relevant excerpts from the Bradley Allen

deposition dated July 21, 2010.

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

Executed this 26th day of July, 2010, in Marshall, Texas.

/s/ Andrew D. Weiss
Andrew D. Weiss