

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

BRIGHT RESPONSE, LLC

Plaintiff,

v.

GOOGLE INC., et al.,

Defendants.

Civil Action No. 2:07-cv-371-TJW

JURY

**DECLARATION OF ANDREW D. WEISS IN SUPPORT OF BRIGHT
RESPONSE, LLC'S SURREPLY IN OPPOSITION TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT OF INVALIDITY UNDER 35 U.S.C. § 102(b), (e),
AND § 103(a)**

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

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.

1. 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.

2. Exhibit B is a true and correct copy of the relevant excerpts from the transcript of the deposition of Bradley Allen, taken on July 21, 2010.

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

Executed this 27th day of July, 2010, in Marshall, Texas.

/s/ Andrew D. Weiss
Andrew D. Weiss