

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PA ADVISORS, LLC,

Plaintiff,

GOOGLE INC., ET AL.,

Defendants.

CASE NO. 2-07CV-480-DF

DECLARATION OF BRIAN CANNON

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I, Brian Cannon, declare:

1. I am an attorney authorized to practice law in the State of California. I am a partner with the law firm of Quinn Emanuel Urquhart Oliver & Hedges, counsel of record for Google in this matter. I have personal knowledge of the facts stated herein.

2. On July 17, Plaintiff served a subpoena for the deposition of Johanna Shelton to occur on July 31, 2009. Attached as Exhibit A is a true and correct copy of the subpoena.

3. Ms. Shelton is not listed on Google's or Plaintiff's initial disclosures. Attached as Exhibits B and C are true and correct copies of each of the parties' initial disclosures.

4. The parties held a meet and confer on July 20, 2009. Attached as Exhibit D is a true and correct copy of an email from Google's local counsel, Michael Richardson, to Plaintiff's counsel explaining Google's understanding of the meet and confer.

5. Attached as Exhibit E is a true and correct copy of Plaintiff's counsel's response to Mr. Richardson's July 20 email.

6. Attached as Exhibit F is a true and correct copy of Google's counsel's July 23 letter concerning the Shelton deposition.

7. On August 6, at a deposition of one of Google's engineers, I asked Plaintiff's counsel again why the deposition of Ms. Shelton is necessary and what relevance she has to the case. Plaintiff's counsel said he was not prepared to respond and did not do so.

8. Attached as Exhibit G is a true and correct copy of an August 12, 2009 letter from Plaintiff.

9. Attached as Exhibit H are true and correct copies of subpoenas served in *Bright Response v. Google Inc.*, Case No 2:07CV-371-TJW-CE, by a related plaintiff.

10. Attached as Exhibit I is a true and correct copy of August 12, 2009 correspondence from Google.

11. Attached as Exhibit J is a true and correct copy of August 13, 2009 correspondence from Plaintiff.

12. Attached as Exhibit K is a true and correct copy of a subpoena for the deposition of Michelle Lee, Google's Head of Patents and Patent Strategy.

13. Attached as Exhibit L is a true and correct copy of excerpts of Plaintiff's Second Set of Requests for Production.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 17 day of August, 2009 at Redwood Shores, California.

/s/ Brian Cannon
Brian Cannon