

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

PA ADVISORS, LLC,	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:07-cv-480-RRR
	§	
GOOGLE INC., et al.,	§	
	§	JURY TRIAL DEMANDED
Defendants.	§	
	§	

**DECLARATION OF ELIZABETH A. WILEY IN SUPPORT OF PLAINTIFF'S
UNOPPOSED MOTION TO DEEM AS TIMELY FILED DOCKET NUMBER 515,
INCLUDING EXHIBIT NUMBER 16**

My name is Elizabeth A. Wiley. I am a member of the State Bar of Texas, with The Wiley Firm PC, and one of the counsel of record for nXn Tech, LLC (“nXn,” formerly known as PA Advisors, LLC) in the above-referenced action. The facts recited below are true and correct and if called upon testify I would truthfully testify thereto.

1. On April 30, 2010, nXn had several filings due for which I was responsible, and which required sending all completed exhibits in support of all of the responses to support staff conversant in the electronic filing process. After I sent all of the documents comprising Docket No. 515 for uploading, I learned while uploading, filing, and service were underway for other filings that evening (*e.g.*, Docket Nos. 512, 513, and 514) that the size of Exhibit 10 was precluding a successful uploading of that exhibit, which delayed completion of the uploading of all exhibits, also delaying a complete filing. That issue was resolved, and the uploading could continue, with the result that the date and time for filing shows 12:08 a.m. May 1, 2010. A true and correct copy of that notice of filing, as I received it, is attached as Exhibit B

2. Exhibit A to this declaration comprises copies of emails reflecting that because of this problem, I began sending the service copies to counsel for Yahoo before the documents

comprising Docket Number 515 were actually filed. Because I had prepared the exhibits, I sent the service copies from my own files, which meant that Yahoo was served with the correct Exhibit 16.

I declare under penalty of perjury that the statements in this declaration are true and correct.

Executed this 5th day of May, 2010, in Austin, Texas.

/s/ Elizabeth A. Wiley
Elizabeth A. Wiley