

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

SOFTWARE RIGHTS ARCHIVE, LLC	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	Civil Action No. 2:07-cv-511 (CE)
GOOGLE INC., YAHOO! INC., IAC SEARCH & MEDIA, INC., AOL LLC, and LYCOS, INC.	§ § § § § § § §	
Defendants.	§	JURY TRIAL DEMANDED

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**DECLARATION OF LEE L. KAPLAN IN SUPPORT OF  
PLAINTIFF'S MOTION TO STRIKE INVALIDITY CONTENTIONS  
AND RESPONSE TO DEFENDANTS' MOTION FOR LEAVE TO  
AMEND AND SUPPLEMENT INVALIDITY CONTENTIONS**

I, Lee L. Kaplan, declare as follows:

1. I am an attorney licensed to practice in the State of Texas. I am a partner with the law firm of Smyser Kaplan & Veselka, L.L.P., counsel for Software Rights Archive, LLC ("SRA") in this matter. The following facts are within my personal knowledge, and, if called upon to do so, I could and would testify competently thereto.
2. Exhibit 1 to Plaintiff's Motion to Strike Invalidation Contentions and Response to Defendants' Motion for Leave to Amend and Supplement Invalidation Contentions ("the Brief") is a true and correct copy of excerpts from Defendants' P.R. 3-3 Disclosure filed January 23, 2009.
3. Exhibit 2 to the Brief is a true and correct copy of the De Bra Claim Chart attached as an exhibit to Defendants' P.R. 3-3 Disclosure.
4. Exhibit 3 to the Brief is a true and correct copy of the Bichteler Claim Chart attached as an exhibit to Defendants' P.R. 3-3 Disclosure.

5. Exhibit 4 to the Brief is a true and correct copy of Claim 26 Exemplary Combinations, pages 1-3, which is an exhibit to Defendants' P.R. 3-3 Disclosure.

6. Exhibit 5 to the Brief is a true and correct copy of a letter from Victor Hardy to Defendants dated March 11, 2009.

7. Exhibit 6 to the Brief is a true and correct copy of a letter from Victor Hardy to Defendants dated July 8, 2009.

8. Exhibit 7 to the Brief is a true and correct copy of a letter from Richard Hung to Victor Hardy dated March 27, 2009.

I declare under penalty of perjury under the laws of the United States and Texas that the foregoing is true and correct and that this Declaration is executed on January 20, 2010 in Houston, Texas.

Date: January 20, 2010

SMYSER KAPLAN & VESELKA, L.L.P.



Lee L. Kaplan  
Attorney for Plaintiff  
Software Rights Archive, LLC