

UNITED STATES DISTRICT COURT

for the

Northern District of California

Software Rights Archive, LLC
Plaintiff
v.
Google Inc., Yahoo! Inc., IAC Search & Media, Inc.,
AOL, LLC, and Lycos, Inc.
Defendant
Civil Action No. Civil Case No. 2:07-cv-511(CE)
(If the action is pending in another district, state where:
Eastern District of Texas)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Lumen Patent Firm, Attn: Thomas J. McFarlane, 350 Cambridge Ave., Suite 100, Palo Alto, CA 94306

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See attached Appendix A.

Place: Legal Pursuit, Inc., Attn: Honi Canon
22 West St. John Street, Suite B
San Jose, CA 95113
Date and Time: 07/30/2010 10:00 am

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:
Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 6/30/10

CLERK OF COURT

OR [Handwritten Signature]

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Software Rights Archive, LLC, who issues or requests this subpoena, are: Lee L. Kaplan, Smyser, Kaplan & Veselka, L.L.P., 700 Louisiana Street, Suite 2300, Houston, Texas 77002, lkapan@skv.com, telephone: (713) 221-2323, Facsimile: (713) 221-2320.

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**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## APPENDIX A

You are requested to produce and/or permit inspection and copying of all the following documents and things<sup>1</sup> (which include electronically stored information and tangible things) as permitted under Fed. R. Civ. Proc. 45 at the time and place noted on the attached subpoena.

1. All documents and things concerning the invention, development, investigation, application, prosecution, examination and issuance of U.S. Patent No. 6,285,999 (“the ‘999 Patent”), including without limitation (a) invention disclosures, (b) communications to, from, between, or among all persons or entities involved in the invention, development, investigation, application, prosecution, examination and issuance of the ‘999 Patent, including Lawrence Page, any other inventor of the ‘999 Patent, Google Inc. (including all affiliates, agents, and representatives thereof), Stanford University (including all agents and representatives thereof), any other assignee of the ‘999 Patent, the prosecuting attorney(s) and persons working under their direction, patent agent(s) and persons working under their direction, the United States Patent and Trademark Office (including all agents and Examiners thereof), and (c) internal memoranda, billing records, emails, notes, tests, diagrams, calculations, drawings, and all other documents relating to the invention, development, investigation, application, prosecution, examination and issuance of the ‘999 Patent, and (d) references to any patents for which Daniel Egger is listed as an inventor or co-inventor, including U.S. Patent Nos. 5,544,352; 5,832,494; and 6,233,571.

2. All documents and things concerning the invention, development, investigation, application, prosecution, examination and issuance of U.S. Patent No. 6,799,176 (“the ‘176 Patent”), including without limitation (a) invention disclosures, (b) communications to, from, between, or among all persons or entities involved in the invention, development, investigation, application, prosecution, examination and issuance of the ‘176 Patent, including Lawrence Page, any other inventor of the ‘176 Patent, Google Inc. (including all affiliates, agents, and representatives thereof), Stanford University (including all agents and representatives thereof), any other assignee of the ‘176 Patent, the prosecuting attorney(s) and persons working under their direction, patent agent(s) and persons working under their direction, the United States Patent and Trademark Office (including all agents and Examiners thereof), and (c) internal memoranda, billing records, emails, notes, tests, diagrams, calculations, drawings, and all other documents relating to the invention, development, investigation, application, prosecution, examination and issuance of the ‘176 Patent, and (d) references to any patents for which Daniel Egger is listed as an inventor or co-inventor, including U.S. Patent Nos. 5,544,352; 5,832,494; and 6,233,571.

3. All documents and things concerning the invention, development, investigation, application, prosecution, examination and issuance of U.S. Patent No. 7,058,628 (“the ‘628 Patent”), including without limitation (a) invention disclosures, (b) communications to, from,

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<sup>1</sup> For the purpose of this subpoena, “documents and things” include, without limitation, information in any form, whether in hard copy or electronic form. This includes, by way of example and not by way of limitation all of the following: agreements, articles, accounts, agendas, calendars, charts, checks, contracts, correspondence, deal memoranda, diaries, drafts, drawings, emails, letters, lists, logs, memoranda, messages, notes, notices, orders, papers, pleadings, press releases, publications, questionnaires, reports, resolutions, studies, testimony, trade letters, voice mail and all items discoverable pursuant to the Federal Rules of Civil Procedure.

between, or among all persons or entities involved in the invention, development, investigation, application, prosecution, examination and issuance of the '628 Patent, including Lawrence Page, any other inventor of the '628 Patent, Google Inc. (including all affiliates, agents, and representatives thereof), Stanford University (including all agents and representatives thereof), any other assignee of the '628 Patent, the prosecuting attorney(s) and persons working under their direction, patent agent(s) and persons working under their direction, the United States Patent and Trademark Office (including all agents and Examiners thereof), and (c) internal memoranda, billing records, emails, notes, tests, diagrams, calculations, drawings, and all other documents relating to the invention, development, investigation, application, prosecution, examination and issuance of the '628 Patent, and (d) references to any patents for which Daniel Egger is listed as an inventor or co-inventor, including U.S. Patent Nos. 5,544,352; 5,832,494; and 6,233,571.

4. All documents and things concerning the invention, development, investigation, application, prosecution, examination and issuance of U.S. Patent No. 7,269,587 ("the '587 Patent"), including without limitation (a) invention disclosures, (b) communications to, from, between, or among all persons or entities involved in the invention, development, investigation, application, prosecution, examination and issuance of the '587 Patent, including Lawrence Page, any other inventor of the '587 Patent, Google Inc. (including all affiliates, agents, and representatives thereof), Stanford University (including all agents and representatives thereof), any other assignee of the '587 Patent, the prosecuting attorney(s) and persons working under their direction, patent agent(s) and persons working under their direction, the United States Patent and Trademark Office (including all agents and Examiners thereof), and (c) internal memoranda, billing records, emails, notes, tests, diagrams, calculations, drawings, and all other documents relating to the invention, development, investigation, application, prosecution, examination and issuance of the '587 Patent, and (d) references to any patents for which Daniel Egger is listed as an inventor or co-inventor, including U.S. Patent Nos. 5,544,352; 5,832,494; and 6,233,571.

5. All documents and things concerning the invention, development, investigation, application, prosecution, examination and issuance of U.S. Patent No. 7,434,351 ("the '351 Patent"), including without limitation (a) invention disclosures, (b) communications to, from, between, or among all persons or entities involved in the invention, development, investigation, application, prosecution, examination and issuance of the '351 Patent, including Lawrence Page, any other inventor of the '351 Patent, Google Inc. (including all affiliates, agents, and representatives thereof), Stanford University (including all agents and representatives thereof), any other assignee of the '351 Patent, the prosecuting attorney(s) and persons working under their direction, patent agent(s) and persons working under their direction, the United States Patent and Trademark Office (including all agents and Examiners thereof), and (c) internal memoranda, billing records, emails, notes, tests, diagrams, calculations, drawings, and all other documents relating to the invention, development, investigation, application, prosecution, examination and issuance of the '351 Patent, and (d) references to any patents for which Daniel Egger is listed as an inventor or co-inventor, including U.S. Patent Nos. 5,544,352; 5,832,494; and 6,233,571.

6. All documents and things relating to or discussing in whole or in part (1) Daniel Egger; (2) any patents, patent applications, or publications naming Egger as an inventor or author

(including without limitation United States Patent Nos. 5,544,352; 5,832,494; or 6,233,571), and/or (3) any technical or legal significance of any patents, patent applications, or publications naming Egger as an inventor or author (including without limitation United States Patent Nos. 5,544,352; 5,832,494; or 6,233,571).