

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

**FPX, LLC, (d.b.a. FIREPOND),  
Individually and on Behalf of All Others  
Similarly Situated,**

**Plaintiff,**

v.

**(1) GOOGLE, INC.;**  
**(2) YOUTUBE, LLC;**  
**(3) AOL, LLC;**  
**(4) TURNER BROADCASTING  
SYSTEM, INC.;**  
**(5) MYSPACE, INC., and**  
**(6) IAC/INTERACTIVECORP**

**Defendants.**

**Civil Action No. 2:09-cv-00142  
CLASS ACTION COMPLAINT**

**JURY TRIAL REQUESTED**

**DECLARATION OF NATHAN D. MEYER**

I, Nathan D. Meyer, declare and state as follows:

1. I am a member of the State Bar of California and an attorney at the law firm of Russ, August & Kabat, one of the counsel for Plaintiff FPX, 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.

2. On December 7, 2010, I personally visited the USPTO.gov website, and pulled the registration certificate for the trade mark "Firepond" from that website. A true and correct copy of that registration is attached hereto as Exhibit A.

3. On December 7, 2010, I personally visited the USPTO.gov website, and pulled the registration certificate for the trade mark “John Beck’s” from that website. A true and correct copy of that registration is attached hereto as Exhibit B.

4. Attached hereto as Exhibit C is a true and correct copy of Google’s supplemental response to Plaintiffs’ request for admission no. 7. This admission admits that the “John Beck’s” mark was bid on.

5. On December 6, 2010, I accessed the assignment history of the “firepond” mark on the USPTO.gov website. Attached hereto as Exhibit D is a true and correct copy of the USPTO information on that assignment. I have also caused the actual assignment documents that were filed with the USPTO to be ordered, and expect to receive them within 72 hours.

I declare, under penalty of perjury that the foregoing is true and correct to the best of my knowledge. This Declaration is executed on December 7, 2010 at Los Angeles, California.

Dated: December , 2010

/s/ Nathan D. Meyer  
Nathan D. Meyer

**CERTIFICATE OF SERVICE**

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on December 7, 2010 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

Dated: December 7, 2010

/s/ Nathan D. Meyer  
Nathan D. Meyer