Wireless Recognition Technologies LLC v. A9.com, Inc. et al Doc. 104 Att. 1

EXHIBIT A

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

WIRELESS RECOGNITION TECHNOLOGIES LLC, **Plaintiff,** **vs.** **A9.COM, INC., AMAZON.COM, INC., GOOGLE INC., NOKIA, INC., and RICOH INNOVATIONS, INC.,** **Defendants.**	§ § § § § § § § § § § § §	Civil No. 2:10-CV-00364-TJW-CE
WIRELESS RECOGNITION TECHNOLOGIES LLC, **Plaintiff,** **vs.** **NOKIA CORPORATION and RICOH COMPANY, LTD.,** **Defendants.**	§ § § § § § § § § § § § §	Civil No. 2:10-CV-00365-TJW
WIRELESS RECOGNITION TECHNOLOGIES LLC, **Plaintiff,** **vs.** **A9.COM, INC., AMAZON.COM, INC., GOOGLE INC., NOKIA, INC., and RICOH INNOVATIONS, INC.,** **Defendants.**	§ § § § § § § § § § § § §	Civil No. 2:10-CV-00577-TJW

WIRELESS RECOGNITION TECHNOLOGIES LLC,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil No. 2:10-CV-00578-TJW
	§	
NOKIA CORPORATION and RICOH COMPANY, LTD.,	§	
	§	
Defendants.	§	

DECLARATION OF DANIEL T. SHVODIAN IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF WIRELESS RECOGNITION TECHNOLOGIES LLC'S MOTION TO CONSOLIDATE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 42(a) AND LOCAL RULE CV-42(b) AND DEFENDANTS' CROSS-MOTION TO SEVER PURSUANT TO RULES 20 AND 21 OF THE FEDERAL RULES OF CIVIL PROCEDURE

I, Daniel T. Shvodian, declare as follows:

1. I am a partner with the law firm Perkins Coie LLP, counsel of record for Defendants A9.com, Inc., Amazon.com, Inc., and Google Inc. in the above-captioned case. Based on my review of the relevant files from the United States Patent and Trademark Office, I am informed and believe the facts set forth below to be true.

2. A Request for *Inter Partes* Reexamination Under 35 U.S.C. § 311 and 37 C.F.R. § 1.913 for claims 1-56 of U.S. Patent No. 7,856,474 ("the '474 patent") was filed with the United States Patent and Trademark Office on February 25, 2011 by a third party who is not a defendant in any of the four above-captioned actions filed by Wireless Recognition Technologies LLC. The Request for *Inter Partes* Reexamination was granted on or about March 25, 2011, claims 1-56 being subject to the reexamination, and assigned Control No. 95/001,557.

3. On March 25, 2011, an Office Action in *Inter Partes* Reexamination was issued, rejecting claims 1-56 of the ‘474 patent.

4. On May 31, 2011, WRT submitted Amendments to the Claims, among other things, in response to the March 25, 2011 Office Action.

5. On information and belief, the *Inter Partes* Reexamination of the ‘474 patent is ongoing.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on September 23, 2011 at Palo Alto, California.

/s/ Daniel T. Shvodian
Daniel T. Shvodian