

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

LODSYS, LLC,

Plaintiff,

v.

COMBAY, INC.;
ICONFACTORY, INC.;
ILLUSION LABS AB;
MICHAEL G. KARR D/B/A
SHOVELMATE;
QUICKOFFICE, INC.;
RICHARD SHINDERMAN;
WULVEN GAME STUDIOS,

Defendants.

CIVIL ACTION NO. 2:11-cv-272-TJW

EXHIBIT A FILED UNDER SEAL

HEARING REQUESTED

**DECLARATION OF JONATHAN C. SANDERS IN SUPPORT OF APPLE INC.'S
MOTION TO INTERVENE**

I, Jonathan C. Sanders, submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

1. I am an associate of the law firm Simpson Thacher & Bartlett LLP, counsel for Apple Inc. ("Apple") in the above-captioned action. I make this declaration in support of Apple's Motion to Intervene. I have personal knowledge of the facts stated herein, and, if called to testify as a witness, I could and would testify competently thereto.
2. Attached hereto as Exhibit A is a true and correct copy of an Apple license agreement that covers the patents asserted in this lawsuit.
3. Attached hereto as Exhibit B is a true and correct copy of a May 3, 2011 letter from Lodsys to Illusion Labs AB, entitled, "Infringement of U.S. Patent Nos. 5,999,908, 7,133,834, 7,222,078, and 7,620,565."

4. On June 1, 2011, this case was assigned to Judge T. John Ward.

5. An initial case management conference has not yet been scheduled in this action. No defendant has responded to the Complaint, no discovery has been conducted, and no other significant events have occurred beyond Lodsys's filing of the Complaint.

6. Attached hereto as Exhibit C is a true and correct copy of an Intel Complaint in Intervention filed on October 24, 2008 in *Negotiated Data Solutions, LLC v. Dell, Inc.*, No. 2:06-cv-00528 (E.D. Tex. 2008).

7. Attached hereto as Exhibit D is a true and correct copy of Judge Everingham's October 23, 2008 Order Granting Intel's Motion to Intervene in *Negotiated Data Solutions, LLC v. Dell, Inc.*, No. 2:06-cv-00528 (E.D. Tex. Oct. 23, 2008) (Everingham, J.).

8. Attached hereto as Exhibit E is a true and correct copy of Judge Love's May 10, 2010 Order Granting Intel's Motion to Intervene in *U.S. Ethernet Innovations, LLC v. Acer, Inc. et al.*, No. 6:09-cv-00448 (E.D. Tex. May 10, 2010) (Love, J.).

9. Attached hereto as Exhibit F is a true and correct copy of Judge Folsom's March 31, 2010 Order Granting Microsoft's Motion to Intervene in *TiVo Inc. v. AT&T Inc.*, No. 2:09-cv-259 (E.D. Tex. March 31, 2010) (Folsom, J.)

I declare under penalty of perjury under the laws of the United States and of the State of Texas that the foregoing is true and correct. Executed on this the 9th day of June, 2011 in Palo Alto, California.


Jonathan C. Sanders