

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

ROCKSTAR CONSORTIUM US LP AND	)	
NETSTAR TECHNOLOGIES LLC,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 13-cv-00893-RG
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
GOOGLE INC.	)	
	)	
Defendant.	)	
	)	
	)	

**DECLARATION OF SAM STAKE**

I, Sam Stake, declare:

1. I am an attorney with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel to Google Inc. in this action. I have personal knowledge of the facts set forth in this declaration, and if called upon to do so, could and would testify competently thereto.

2. Attached as Exhibit 1 is a true and correct copy of an excerpt of “Excite: A Brief History,” by Ryan McIntyre (Co-Founder), available at <http://www.slideshare.net/ryanmcintyre/early-excite-history> (last accessed on Jan. 6, 2014).

3. Attached as Exhibit 2 is a true and correct copy of “A Framework for Targeting Banner Advertising On the Internet,” by Katherine Gallagher and Jeffrey Parsons, Faculty of Business Administration, Memorial University of Newfoundland.

4. Attached as Exhibit 3 is a true and correct copy of the LinkedIn profile of Martin Reinfried, accessible at [www.linkedin.com/pub/martin-reinfried/78/705/95b](http://www.linkedin.com/pub/martin-reinfried/78/705/95b) (last accessed on Jan. 6, 2014).

5. Attached as Exhibit 4 is a true and correct copy of “Our History,” available at <http://about.ask.com/history/> (last accessed on Jan. 6, 2014).
6. Attached as Exhibit 5 is a true and correct copy of “How Jerry’s Guide to the World Wide Web Became Yahoo,” published by The Guardian, dated February 1, 2008, available at <http://www.theguardian.com/business/2008/feb/01/microsoft.technology> (last accessed on Jan. 6, 2014).
7. Attached as Exhibit 6 is a true and correct copy of “Yahoo! Still First Portal Call,” published by BBC News, dated June 5, 1998, available at <http://news.bbc.co.uk/2/hi/business/107667.stm> (last accessed on Jan. 6, 2014).
8. Attached as Exhibit 7 is a true and correct copy of “Today’s Topic: Shadow Advertising,” published by The Boston Globe, dated November 14, 1996, available at <http://www.highbeam.com/doc/1P2-8396177.html> (last accessed on Jan. 6, 2014).
9. Attached as Exhibit 8 is a true and correct copy of “Yahoo Corporate Information,” available at <http://info.yahoo.com/company> (last accessed on Jan. 6, 2014).
10. Attached as Exhibit 9 is a true and correct copy of the Forbes profile for Jerry Yang, available at <http://www.forbes.com/profile/jerry-yang/> (last accessed on Jan. 6, 2014).
11. Attached as Exhibit 10 is a true and correct copy of the Forbes profile for David Filo, available at <http://www.forbes.com/profile/david-filo/> (last accessed on Jan. 6, 2014).
12. Attached as Exhibit 11 is a true and correct copy of “WebCrawler Facts,” available at Brian Pinkerton’s website at [www.thinkpink.com/bp/WebCrawler/History.html](http://www.thinkpink.com/bp/WebCrawler/History.html) (last accessed on Jan. 6, 2014).
13. Attached as Exhibit 12 is a true and correct copy of an Office Action from U.S. Application No. 08/798,747, dated December 21, 1998.

14. Attached as Exhibit 13 is a true and correct copy of “Make Sure Search Engines Find Your Site,” published by PR News, dated May 6, 1996.
15. Attached as Exhibit 14 is a true and correct copy of an Office Action from U.S. Application No. 11/767,569, dated March 3, 2009.
16. Attached as Exhibit 15 is a true and correct copy of the LinkedIn profile of Brian Pinkerton, available at [www.linkedin.com/in/brianpinkerton](http://www.linkedin.com/in/brianpinkerton) (last accessed on Jan. 6, 2014).
17. Attached as Exhibit 16 is a true and correct copy of “What’s up with Brian?” available at Brian Pinkerton’s website at [www.thinkpink.com/bp/](http://www.thinkpink.com/bp/) (last accessed on Jan. 6, 2014).
18. Attached as Exhibit 17 is a true and correct copy of the LinkedIn profile of Steve Kirsch, available at [www.linkedin.com/in/stevekirsch](http://www.linkedin.com/in/stevekirsch) (last accessed on Jan. 6, 2014).
19. Attached as Exhibit 18 is a true and correct copy of the Bloomberg profile for Infoseek Corporation, available at <http://investing.businessweek.com/research/stocks/private/snapshot.asp?privcapId=29915> (last accessed on Jan. 6, 2014).
20. Attached as Exhibit 19 is a true and correct copy of “Paul Flaherty, AltaVista Online Search Engine Creator, Dies at 42,” published by Free Republic, dated March 24, 2006, available at [www.freerepublic.com/focus/news/1602685/posts](http://www.freerepublic.com/focus/news/1602685/posts) (last accessed on Jan. 6, 2014.)
- 21.** Attached as Exhibit 20 is a true and correct copy at “Digital Equipment Offers Web Browsers Its ‘Super Spider’,” published by The New York Times, dated December 18, 1995, available at <http://www.nytimes.com/1995/12/18/business/digital-equipment-offers-web-browsers-its-super-spider.html?pagewanted=print&src=pm> (last accessed on Jan. 6, 2014).
22. Attached as Exhibit 21 is a true and correct copy of “AltaVista Achieves Record Traffic and Substantial Ad Revenue Growth; Popularity Fuels Expansion Plans,” published by

PR Newswire, available at <http://www.prnewswire.com/news-releases/altavista-achieves-record-traffic-and-substantial-ad-revenue-growth-popularity-fuels-expansion-plans-76777087.html> (last accessed on Jan. 6, 2014).

23. Attached as Exhibit 22 is a true and correct copy of the LinkedIn profile of Louis Monier, available at [www.linkedin.com/in/louismonier](http://www.linkedin.com/in/louismonier) (last accessed on Jan. 6, 2014).

24. Attached as Exhibit 23 is a true and correct copy of “Search Engine Land Contributors,” available at <http://searchengineland.com/author/danny-sullivan> (last accessed on Jan. 6, 2014).

25. Attached as Exhibit 24 is a true and correct copy an Office Action from U.S. Application No. 09/351,747, dated June 11, 2003.

26. Attached as Exhibit 25 is a true and correct copy of the LinkedIn profile of Danny Sullivan, available at [www.linkedin.com/in/dannysullivan](http://www.linkedin.com/in/dannysullivan) (last accessed on Jan. 6, 2014).

27. Attached as Exhibit 26 is a true and correct copy of “As It Gears Up For War With Samsung, Apple Adds To Its Patent Pile,” published by Business Insider, dated November 15, 2012, available at [www.businessinsider.com/apple-rockstar-bidco-nortel-patents-2012-11?op=1](http://www.businessinsider.com/apple-rockstar-bidco-nortel-patents-2012-11?op=1) (last accessed on Jan. 6, 2014).

28. Attached as Exhibit 27 is a true and correct copy of “Entity Details” for Rockstar Bidco, LP, accessed from the website of the Delaware Department of State (Division of Corporations), at <https://delecorp.delaware.gov/tin/GINameSearch.jsp> (last accessed on Jan. 9, 2014).

29. Attached as Exhibit 28 is a true and correct copy of “How Apple and Microsoft Armed 4,000 Patent Warheads,” published by Wired, dated May 21, 2012, available at <http://www.wired.com/wiredenterprise/2012/05/rockstar/> (last accessed on Jan. 6, 2014).

30. Attached as Exhibit 29 is a true and correct copy of an excerpt of Apple Inc.'s Form 10-Q for the period ending June 25, 2011.

31. Attached as Exhibit 30 is a true and correct copy of an excerpt of "Facts About Microsoft," available at [www.microsoft.com/en-us/news/inside\\_ms.aspx](http://www.microsoft.com/en-us/news/inside_ms.aspx) (last accessed on Jan. 6, 2014).

32. Attached as Exhibit 31 is a true and correct copy of "Entity Details" for Rockstar Consortium US LP, available from the website of the Delaware Department of State (Division of Corporations), at <https://delecorp.delaware.gov/tin/GINameSearch.jsp> (last accessed on Jan. 6, 2014).

33. Attached as Exhibit 32 is a true and correct copy of "About Rockstar," available at <http://www.ip-rockstar.com/about> (last accessed on Jan. 6, 2014).

34. Attached as Exhibit 33 is a true and correct copy of the LinkedIn profile of Rockstar Consortium, available at [http://www.linkedin.com/company/rockstar-consortium?trk=top\\_nav\\_home](http://www.linkedin.com/company/rockstar-consortium?trk=top_nav_home) (last accessed Jan. 6, 2014).

35. Attached as Exhibit 34 is a true and correct copy of LinkedIn profiles of Rockstar Consortium employees based in Ontario, Canada, available through [www.linkedin.com](http://www.linkedin.com) (last accessed on Jan. 6, 2014).

36. Attached as Exhibit 35 is a true and correct copy of LinkedIn profiles of Rockstar Consortium employees based in Texas, available through [www.linkedin.com](http://www.linkedin.com) (last accessed on Jan. 6, 2014).

37. Attached as Exhibit 36 is a true and correct copy of a list of litigation filed by Rockstar Consortium in the Eastern District of Texas, available at <https://ecf.txed.uscourts.gov/cgi-bin/ShowIndex.pl> (last accessed on January 6, 2014).

38. Attached as Exhibit 37 is a true and correct copy of “Microsoft and Apple Group Use Ancient Nortel Patents To Sue Time Warner Cable, Cisco,” published by GigaOm, dated December 13, 2013, available at <http://gigaom.com/2013/12/13/microsoft-and-apple-group-use-ancient-nortel-patents-to-sue-time-warner-cable-cisco/> (last accessed on Jan. 6, 2014).

39. Attached as Exhibit 38 is a true and correct copy of webpages of SE Communications, available at <http://www.interlog.com/~dskillen/> (last accessed on Jan. 6, 2014).

40. Attached as Exhibit 39 is a true and correct copy of the Bloomberg Business profile for Vernon E. Williams, available at <http://investing.businessweek.com/research/stocks/private/person.asp?personId=100767685&privcapId=6938400&previousCapId=30967346&previousTitle=Florida%20West%20Coast%20Public%20Broadcasting,%20In> (last accessed on Jan. 6, 2014).

41. Attached as Exhibit 40 is a true and correct copy of the LinkedIn profile of Bruce Garlick, available at [www.linkedin.com/pub/bruce-garlick/10/b96/b07](http://www.linkedin.com/pub/bruce-garlick/10/b96/b07) (last accessed on Jan. 6, 2014).

42. Attached as Exhibit 41 is a true and correct copy of search results from [www.orbitz.com](http://www.orbitz.com) for the shortest flights, by duration, from Toronto to Dallas, Toronto to Shreveport, and Toronto to San Francisco (last accessed on Dec. 23, 2013).

43. Attached as Exhibit 42 is a true and correct copy of search results from [maps.bing.com](http://maps.bing.com) for driving directions from Dallas to Marshall (last accessed on Dec. 23, 2013).

44. Attached as Exhibit 43 is a true and correct copy of search results from [www.orbitz.com](http://www.orbitz.com) for the shortest flights, by duration, from Ottawa to Dallas, Ottawa to Shreveport, and Ottawa to San Francisco (last accessed on Dec. 23, 2013).

45. Attached as Exhibit 44 is a true and correct copy of an excerpt of 2013 Patent Litigation Study, published by Price Waterhouse Cooper, available at [http://www.pwc.com/en\\_US/us/forensic-services/publications/assets/2013-patent-litigation-study.pdf](http://www.pwc.com/en_US/us/forensic-services/publications/assets/2013-patent-litigation-study.pdf) (last accessed on Jan. 6, 2014).

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Dated: January 10, 2014

Respectfully submitted,

By:   
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Sam Stake