

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

ROCKSTAR CONSORTIUM US LP)
AND NETSTAR TECHNOLOGIES LLC,)

Plaintiffs,)

v.)

GOOGLE INC.)

Defendant.)

Civil Action No. 13-cv-00893-RG

JURY TRIAL DEMANDED

**DECLARATION OF LANCE YANG IN SUPPORT OF GOOGLE INC.'S MOTION TO
AMEND INVALIDITY CONTENTIONS**

I, Lance Yang, declare as follows:

1. I am an attorney at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Defendant Google Inc. (“Google”) in this matter. I have personal knowledge of the facts stated herein and if called to testify could and would competently testify thereto.

2. Plaintiffs Rockstar Consortium US LP and NetStar Technologies LLC’s (collectively, “Rockstar”) served its complaint on October 31, 2013 asserting 7 patents, which included a total of 171 claims. Shortly after, Google began its prior art search. Google’s prior art search efforts included multiple rounds of prior art searching by a professional prior art search firm. Google also enlisted an expert consultant and two of Google’s outside counsel to investigate prior art.

3. Google’s prior art investigation conducted before serving its Invalidity Contentions netted over 300 prior art references. These references included references related to the search engine systems offered by Excite, Infoseek, Lycos, Open Text, and Yahoo. Google cited approximately 200 of these references in the Invalidity Contentions it served on May 24, 2014. Google’s Invalidity Contentions included detailed claim charts for the search engine websites offered by Excite, Infoseek, Lycos, Open Text, and Yahoo. These Invalidity Contentions included over 2,750 pages and 46 detailed claim charts.

4. After serving its Invalidity Contentions, Google continued to conduct its prior art investigation and further develop its invalidity arguments and defenses. This investigation including interviews with third parties associated with these companies and serving third party subpoenas for information related to the Excite, Infoseek, Lycos, Open Text, and Yahoo search engines prior art systems.

5. Google became aware of the potential relevance of the filings related to the Initial Public Offerings of Excite, Inc.; Infoseek Corporation; Lycos, Inc.; Open Text Corporation; and

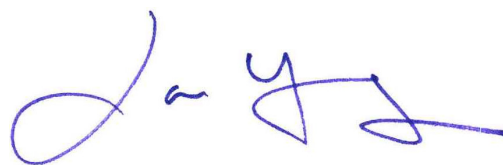
Yahoo! Inc in July 2014 after speaking with a third party who had first-hand knowledge of prior art search engine companies. The IPO filings that Google seeks to add to its invalidity contentions were unavailable on the SEC's online search tool, EDGAR, because these documents predated the earliest documents on EDGAR for these companies.

6. On July 24, 2014, Google submitted multiple Freedom of Information Requests to the SEC for these IPO filings. On August 14, 2014, the SEC provided eight of the nine IPO filings that Google seeks to add to its invalidity contentions. Google produced these filings on August 26, 2014.

7. Attached as Exhibits 1-10 are a true and correct copies of the charts Google is seeking to add to its Invalidity Contentions.

8. Attached as Exhibit 11 is a true and correct copy of an email from Lance Yang of Quinn Emanuel to counsel for Rockstar dated September 9, 2014.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed September 4, 2014 in Los Angeles, California.



Lance Yang