

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

MIRROR WORLDS, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 6:08-cv-88 LED

JURY TRIAL DEMANDED

APPLE INC.,

Counterclaim Plaintiff,

v.

MIRROR WORLDS, LLC,
MIRROR WORLDS TECHNOLOGIES, INC.,

Counterclaim Defendants.

**DECLARATION OF JEFFREY G. RANDALL IN SUPPORT OF APPLE
INC.'S MOTION TO STRIKE THE UNTIMELY SUPPLEMENTAL
EXPERT REBUTTAL REPORT OF JOHN LEVY, PH.D. REGARDING
VALIDITY AND TO PRECLUDE DR. LEVY FROM TESTIFYING AT
TRIAL ABOUT HIS NEW OPINIONS**

I, Jeffrey G. Randall, hereby declare as follows:

1. I am a partner at the law firm of Paul, Hastings, Janofsky & Walker LLP, counsel for Defendant and Counterclaim Plaintiff Apple Inc. (“Apple”). The facts stated in this Declaration are true and correct of my own personal knowledge, and if called as a witness, I could and would competently testify thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Supplemental Expert Rebuttal Report of John Levy, Ph.D. Regarding Validity, dated September 14, 2010 with annotations.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Expert Report of Steven K. Feiner, Ph.D. Re: Invalidity of U.S. Patent No. 6,006,227, U.S. Patent No. 6,638,313, U.S. Patent No. 6,725,427 and U.S. Patent No. 6,768,999, dated May, 20, 2010.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the Expert Rebuttal Report of John Levy, Ph.D. Regarding Validity, dated June 4, 2010.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from Defendant’s Amended Invalidity Contentions, dated May 11, 2009 with annotations.

6. Attached hereto as Exhibit 5 are true and correct copies of the Notices of Deposition of Edward Belove, dated May 28, 2010, and the cover page of the deposition transcript of Edward Belove, dated June 10, 2010.

7. Attached hereto as Exhibit 6 are true and correct copies of the Notices of Deposition of Christopher Schmandt, dated May 28, 2010, and the cover page of the deposition transcript of Christopher Schmandt, dated June 11, 2010.

8. Attached hereto as Exhibit 7 are true and correct copies of the Notice of Deposition of Mark Lansdale, Ph.D., dated May 28, 2010, and the cover page of the deposition transcript of Mark Lansdale, Ph.D., dated June 16, 2010.

9. Attached hereto as Exhibit 8 are true and correct copies of the Notice of Deposition of Custodian of Records of MAYA Design, Inc., dated May 25, 2010, the Notice of Deposition of Peter Lucas, Ph.D., dated June 10, 2010, and the cover page of the deposition transcript of Peter Lucas, Ph.D., dated June 16, 2010.

10. Attached hereto as Exhibit 9 is a true and correct copy of *Versata Software, Inc. v. SAP Am.*, No. 2:07-cv-153, slip op. (E.D. Tex. Aug. 7, 2009).

11. Attached hereto as Exhibit 10 is a true and correct copy of an e-mail string beginning with an e-mail from Allan M. Soobert, counsel for Apple, to Alex Solo, counsel for Mirror Worlds, dated July 22, 2010.

12. Attached hereto as Exhibit 11 is a true and correct copy of a list of the references disclosed prior to May 20, 2010, and the list of references disclosed between May 20, 2010 and June 14, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 18th day of September, 2010.

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/s/ Jeffrey G. Randall