

I, Allen F. Gardner, under information and belief, declare as follows:

1. I am an attorney with the law firm of Potter Minton, A Professional Corporation, and I am one of the attorneys representing Cellco Partnership d/b/a Verizon Wireless, Verizon Data Services LLC, and Bell Atlantic Communications, Inc. d/b/a Verizon Long Distance (collectively “the Verizon Defendants”).

2. Attached as Exhibit 1 is a true and correct copy of an article from the September 1, 2006 Issue 162, Managing Intellectual Property entitled “More than Words.” 9/1/06 Mg’g Intell. Prop. 14, 2006 WLNR 16918651.

3. Attached as Exhibit 2 is a true and correct copy of the December 4, 2007 TelecomWeb News Break article entitled “Klausner Unleashes New ‘Visual Voicemail’ Patent Suits.” 12/4/07 TelecomWebNB, 2007 WLNR 23946442.

4. Attached as Exhibit 3 is a true and correct copy of the March 19, 2008 Complaint for Patent Infringement (5,283,818) filed in *Klausner Technologies, Inc. v. Apple Inc., AT&T Mobility LLC*, Case No. 2:08-CV-117 (United States District Court for the Eastern District of Texas Marshall Division).

5. Attached as Exhibit 4 is a true and correct copy of the March 20, 2008 CommwebNews.com article entitled “Apple, AT&T Re-Sued Over iPhone Voicemail.” 3/20/08 CommWeb News, 2008 WLNR 5465042.

6. Attached as Exhibit 5 is a true and correct copy of the August 13, 2008 Complaint for Declaratory Relief filed by Cellco Partnership d/b/a Verizon Wireless and Verizon Data Services LLC v. *Klausner Technologies, Inc.* Civil Action No. 08-3287 filed in the United States District Court for the Eastern District of New York (the “New York Action”).

7. Attached as Exhibit 6 is a true and correct copy of the Affidavit of Service attesting that the Summons in the New York Action was served on Klausner Technologies Inc., on August 14, 2008.

8. Attached as Exhibit 7 is a true and correct copy of the August 25, 2008 Initial Order in the New York Action.

9. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed on August 29, 2008 in Tyler, Texas.

Dated: August 29, 2008

/s/ Allen F. Gardner

Allen F. Gardner
State Bar No. 24043679

*Attorneys for Cellco Partnership d/b/a
Verizon Wireless, Verizon Data Services LLC,
and Bell Atlantic Communications, Inc. d/b/a
Verizon Long Distance*