

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

ALOFT MEDIA LLC,

Plaintiff,

v.

**YAHOO! INC., GOOGLE, INC., AND
AOL LLC,**

Defendants.

Case No. 6:08-cv-509 (LED)

**DECLARATION OF CHRIS P. SAARI
IN SUPPORT OF DEFENDANTS' MOTION TO TRANSFER**

I, Chris P. Saari, declare as follows:

1. I am an Engineering Manager at Yahoo! Inc., a Defendant in this action. I have been employed at Yahoo! since October 2005. I have worked on the Yahoo! Messenger program since October 2005 and on its PC to PC voice calling feature (“voice feature”) since September 2007. I am currently the Engineering Manager in charge of the voice feature and have been in this position since September 2007. Unless stated otherwise, I have personal knowledge of the facts set forth below, and if called as a witness, could and would competently testify thereto.

2. Yahoo! is headquartered at 701 First Avenue, Sunnyvale, California 94089 (the “Sunnyvale headquarters”).

3. In addition to its Sunnyvale headquarters, Yahoo! has two large offices in Santa Clara. Its Santa Clara offices are located at 2821 Mission College Boulevard, Santa Clara 95054 and at 4401 Great America Parkway, Santa Clara 95054 (collectively, the “Santa Clara campus”). Yahoo! also has an office at 475 Sansome Street, San Francisco, California 94111.

4. The Sunnyvale headquarters, the Santa Clara campus, and the San Francisco office will be referred to collectively as the “Northern California offices.” I understand that all of the Northern California offices are located within the Northern District of California.

5. Yahoo! has no offices located within what I understand to be the Eastern District of Texas.

6. A majority of Yahoo! employees that work on the Yahoo! Messenger program (the “Messenger team”) are located at Yahoo’s Northern California offices. And, with the exception of a few quality assurance employees located in India, all of the Yahoo! employees that work on the voice feature of the Messenger program (the feature that I understand is alleged to infringe in this case) are located in the Northern California offices.

7. No Yahoo! employee that works on the voice feature of the Messenger program works or resides in Texas. One Yahoo! employee on the Messenger team is located in Austin, Texas. However, the employee in question does not work on the voice feature of the Messenger program.

8. Although subcontractors contribute to the voice feature of the Messenger program, Yahoo! employees work directly with subcontractor employees that are located in the Northern District of California.

9. In particular, Yahoo! works with Global IP Solutions, Inc., a company that provides the software module for the voice feature that encodes and decodes the voice signal during transmission. Yahoo! employees interface directly with a Global IP Solutions account service engineer located in San Francisco, California. The bulk of Global IP Solutions engineers who work on the relevant software module are located in Sweden. Global IP Solutions, Inc. is headquartered in San Francisco, California.

10. Yahoo! also works with Jajah Inc., a company that provides publicly-switched telephone network termination services (“PSTN termination services”) required to enable the voice feature to complete calls to publicly switched telephone numbers, as opposed to personal computers. Yahoo! employees interface directly with Jajah sales and marketing employees located in Mountain View, California. The bulk of Jajah engineers who work on the PSTN termination services are located in Israel. Jajah Inc. is headquartered in Mountain View, California.

11. Essentially all of Yahoo!’s business activities—such as product development, sales, and marketing—relating to the Messenger program and its voice feature also take place at the Northern California offices.

12. With the limited exception of paper copies or locally stored electronic copies of documents in the possession of Messenger team members who are not located at the Northern California offices, all of the documents relating to the Yahoo! Messenger program, including all documents relating to the voice feature, are located at the Northern California offices. In particular, all documents relating to the Yahoo! Messenger program and its voice feature are saved onto Yahoo!'s networked document servers, also known as "Twiki" servers, which are located at the Northern California offices.

13. Based on my conversation with Rick Reed, the initial product development and testing of the voice feature was done in early 2000 at the Northern California offices.

14. A master copy of the source code for each of Yahoo!'s software programs is secured on "Perforce" servers located at the Northern California offices. The source code for Yahoo!'s Messenger program, including source code for the voice feature, is secured on the "Perforce" servers.

15. None of the documents or potential witnesses related to the voice feature of the Messenger program is located in Texas. One Yahoo! employee on the Messenger team is located in Austin, Texas. However, the employee in question does not work on the voice feature of the Messenger program.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 3, 2009, at Sunnyvale, California.


Chris P. Saari