

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

ALOFT MEDIA, LLC,

Plaintiff,

v.

YAHOO!, INC., et al.,

Defendants.

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Civil Action No. 6:08-cv-509

JURY TRIAL DEMANDED

DECLARATION OF CRAIG TADLOCK IN SUPPORT  
OF PLAINTIFF ALOFT MEDIA LLC'S RESPONSE TO DEFENDANTS'  
MOTION TO TRANSFER PURSUANT TO 28 U.S.C. § 1404(a)

1. My name is Craig Tadlock. I submit this Declaration in support of the Plaintiff Aloft Media LLC's Response to Defendants' Motion to Transfer Pursuant to 28 U.S.C. § 1404(a).

2. I am over 18 years of age. I am an attorney at the Albritton Law Firm, 111 W. Tyler St., Longview, Texas 75601, and I am outside counsel of record for Aloft Media LLC ("Aloft") in this case and other patent cases filed by Aloft. I am fully competent to make this affidavit. I have personal knowledge of the facts stated, and they are all true and correct.

3. Attached as Exhibit 1 are true and correct copies of three letters I sent to counsel for Yahoo and Google in this case, dated December 23, 2008, February 18, 2009, and March 10, 2009, that were cover letters for production of documents in this case, including the documents attached as Exhibits 1 through 8 of the Declaration of Christopher M. Edgeworth.

4. Attached as Exhibit 2 is a true and correct copy of a letter I received from Google's outside counsel, dated December 5, 2008.

5. Attached as Exhibit 3 is a true and correct copy of an email I received from Yahoo's outside counsel, dated December 19, 2008.

6. Attached as Exhibit 4 is a true and correct copy of the cover page and pages 14-25 of the Oral and Videotaped 30(b)(6) Deposition of Kevin Zilka in *Aloft Media, LLC v. Nokia, Inc., et al.*, Civil Action No. 2:08-CV-99 in the United States District Court for the Eastern District of Texas, Marshall Division.

7. Attached as Exhibit 5 is a true and correct copy of a letter I sent to counsel for Yahoo and Google in this case, dated January 23, 2009, that was a cover letter for production of documents in this case, including the Zilka deposition that is attached in pertinent part as Exhibit 4.

8. Attached as Exhibit 6 is a true and correct copy of a website printout from the Pacer system (<https://pacer.uspci.uscourts.gov/cgi-bin/dquery.pl>), that is the result of a search that I ran for "Yahoo" in the Eastern District of Texas on May 1, 2009.

9. Attached as Exhibit 7 is a true and correct copy of a website printout from the Pacer system (<https://pacer.uspci.uscourts.gov/cgi-bin/dquery.pl>), that is the result of a search that I ran for "Google" in the Eastern District of Texas on May 1, 2009.

10. Attached as Exhibit 8 is a true and correct copy of a printout from the website for the law firm of Hershkovitz & Associates, LLC, which I retrieved from the website <http://www.hershkovitz.net/associates.asp> on May 1, 2009.

11. Attached as Exhibit 9 is a true and correct copy of Plaintiff Aloft Media LLC's First Amended Initial Disclosures in *Aloft Media, LLC v. Microsoft Corp., et al.*, Civil Action No. 6:08-cv-50 in the United States District Court for the Eastern District of Texas, Tyler Division.

12. Attached as Exhibit 10 is a true and correct copy of a website printout of Federal Case Management Statistics, Judicial Caseload Profile Report for the Northern District of California, which I printed from <http://www.uscourts.gov/cgi-bin/cmsd2008.pl> on May 1, 2009.

13. In Aloft's case against Yahoo and Google, *Aloft Media, LLC v. Microsoft Corp., et al.*, Civil Action No. 6:08-cv-50 in the United States District Court for the Eastern District of Texas, Tyler Division, Yahoo has designated a Rule 30(b)(6) witness in Atlanta, Georgia, and Aloft took that witness's deposition in Atlanta. In that same case, Yahoo's counsel has informed me that it will be presenting additional Rule 30(b)(6) witnesses in Atlanta, and Yahoo has taken the position that those depositions must be taken in Atlanta.

14. In the 08-cv-50 case, Yahoo and Google have both produced numerous documents in electronic form. To my knowledge, all documents in the case have been produced in electronic form, except for a few hundred pages of Yahoo's license agreements.

I hereby solemnly affirm under penalty of perjury that the foregoing is true and correct.

Executed on May 1, 2009.

  
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Craig Tadlock