

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

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)	
BEDROCK COMPUTER TECHNOLOGIES)	Case No. 6:09-cv-00269-LED
LLC,)	
)	JURY TRIAL DEMANDED
Plaintiff,)	
v.)	The Honorable Leonard Davis
)	United States District Judge
SOFTLAYER TECHNOLOGIES, INC., et al.,)	
)	
Defendants.)	
)	

**DECLARATION OF YAR R. CHAIKOVSKY IN SUPPORT OF DEFENDANTS' JOINT
RESPONSE BRIEF ON CLAIM CONSTRUCTION**

I, Yar R. Chaikovsky, declare as follows:

1. I am a partner at the law firm McDermott Will & Emery LLP, counsel of record for Defendant Yahoo! Inc. Unless otherwise stated, I have personal knowledge of the facts set forth in this declaration and if called as a witness, could testify competently to such facts under oath.

2. References to Plaintiff Bedrock Computer Technologies, LLC's Claim Construction Brief are indicated by the abbreviation "Br.," followed by the cited page number. "Br. 5" therefore refers to page 5 of Bedrock's opening brief.

3. The patent-in-suit, U.S. Patent. 5,893,120, is attached to Exhibit 1. References to the patent-in-suit are indicated by column and line number. A reference to "3:15" therefore means column 3, line 15 of the patent-in-suit.

4. Attached hereto as Exhibit 2 are excerpts from Richard Nemes' 8/31/10 deposition transcript in this matter.

5. Attached hereto as Exhibit 3 is a true and correct, Bates-labeled copy of U.S. Patent

No. 5,121,495 issued to Richard M. Nemes.

6. Attached hereto as Exhibit 4 is a true and correct, Bates-labeled copy of U.S. Patent No. 5,287,499 issued to Richard M. Nemes.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Bates labeled, certified file history for U.S. Patent No. 5,893,120.

8. Attached hereto as Exhibit 6 is a true and correct copy of the non-final rejection submitted on July 23, 2010 in the *ex parte* reexamination proceedings for 90/010,856.

Per 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 10, 2010 at Menlo Park, California.

/s/ Yar R. Chaikovsky
Yar R. Chaikovsky
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ATTORNEY FOR DEFENDANT
Yahoo! Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 10, 2010, all counsel of record for Plaintiff who have or are deemed to have consented to electronic service are being served with a copy of this document via electronic mail.

/s/ Yar R. Chaikovsky

Yar R. Chaikovsky