

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

Bedrock Computer Technologies LLC,

Plaintiff,

v.

Softlayer Technologies, Inc.,
et al.,

Defendants.

Case No. 6:09-CV-269-LED

JURY TRIAL DEMANDED

**DECLARATION OF ALAN L. WHITEHURST
IN SUPPORT OF**

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF U.S.
PATENT NO. 5,893,120**

I, Alan L. Whitehurst, declare as follows:

1. I am a member of the bar of the State of Virginia, District of Columbia, and State of Texas. I am a partner at Alston & Bird LLP, attorneys for AOL Inc. and MySpace Inc. Each of the following statements is made of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so.

2. Attached hereto as Exhibit A is a true and correct copy of the route.c file from Linux kernel version 2.0.1.

3. Attached hereto as Exhibit B is a true and correct copy of Attachment 2 from Bedrock's Rebuttal Expert Report of Dr. Mark Jones, dated February 1, 2011.

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the deposition of Alexy Kuznetsov, dated January 27, 2011.

5. Attached hereto as Exhibit D is a true and correct copy of the declaration of Alexy Kuznetsov, dated December 15, 2010.

6. Attached hereto as Exhibit E is a true and correct copy of the declaration of Dr. Kevin Jeffay and attached Exhibit A to Dr. Jeffay's declaration, dated February 8, 2011.

7. Attached hereto as Exhibit F is a true and correct copy of U.S. Patent No. 5,893,120.

8. Attached hereto as Exhibit G is a true and correct copy of excerpts from the deposition of Richard Nemes, dated December 30, 2010.

9. Attached hereto as Exhibit H is a true and correct copy of Bedrock's Amended Infringement Contention for Linux kernel version 2.6.18, dated January 12, 2011.

10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 8, 2011 in Washington, D.C.

Respectfully submitted,

/s/ Alan L. Whitehurst

Alan L. Whitehurst