

EXHIBIT D

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

Bedrock Computer Technologies, LLC,

Plaintiff,

v.

Civil Action No. 6:09-CV-269-LED

SoftLayer Technologies, Inc., et al.,

Defendants.

DECLARATION OF ALEXEY KUZNETSOV

I, Alexey Kuznetsov, declare and state that I am over the age of eighteen and am competent to give this declaration. Unless indicated otherwise, I have personal knowledge of the facts contained herein.

1. Beginning in 1995 or earlier, I was a contributor to the Linux kernel. While working as a contributor to the Linux kernel, I wrote software related to the Linux routing cache.

2. In 1995, I wrote software that added a routing cache to the Linux kernel. This software was included in a patch that was made publicly available on the Internet on or around November 17, 1995. This patch included changes to the source code file `route.c`. One of these changes was the addition of a new function, `rt_cache_add()`. The patch was documented in a change log, which was also made publicly available on the Internet on or around November 17, 1995. Attached hereto as Exhibit A is a true and correct copy of the change log for this patch as it existed on or about November 17, 1995 (identified by Bates labels RHT-BR00029911 – RHT-BR00029945).

3. The software associated with the patch identified in Exhibit A was included in Linux kernel version 1.3.42. Linux kernel version 1.3.42 was publicly available on the Internet

on or around November 16, 1995. Attached hereto as Exhibit B is a true and correct copy of route.c in Linux kernel version 1.3.42 (identified by Bates labels KS-DEF-0000686 - KS-DEF-0000714).

4. The function rt_cache_add() in route.c was included in each version of the Linux kernel between 1.3.42 and 1.3.100; as well as in each version of the Linux kernel between 2.0.1 and 2.0.14.

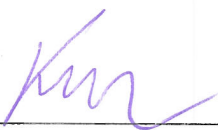
5. Linux kernel version 1.3.51 was publicly available on the Internet on or around December 27, 1995. Attached hereto as Exhibit C is a true and correct copy of route.c in Linux kernel version 1.3.51 (identified by Bates labels DEF00007865 – DEF00007899).

6. Linux kernel version 1.3.52 was publicly available on the Internet on or around December 29, 1995. Attached hereto as Exhibit D is a true and correct copy of route.c in Linux kernel version 1.3.52 (identified by Bates labels DEF00001013 – DEF00001043).

7. Linux kernel version 2.0.1 was publicly available on the Internet on or around July 3, 1996. Attached hereto as Exhibit E is a true and correct copy of route.c in Linux kernel version 2.0.1 (identified by Bates labels DEF00008567 – DEF00008601). Attached hereto as Exhibit F is a true and correct copy of route.h in Linux kernel version 2.0.1 (identified by Bates labels DEF00008602 – DEF00008605).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this the 15 day of December, 2010.



Alexey Kuznetsov