

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

	)	
	)	
BEDROCK COMPUTER TECHNOLOGIES	)	Case No. 6:09-cv-269
LLC,	)	
	)	JURY TRIAL DEMANDED
Plaintiff,	)	
v.	)	The Honorable Leonard E. Davis
	)	
SOFTLAYER TECHNOLOGIES, INC., et al.,	)	
	)	
Defendants.	)	
	)	

**DECLARATION OF BRYAN K. JAMES IN SUPPORT OF YAHOO!’S RESPONSE IN  
OPPOSITION TO BEDROCK’S MOTION TO PRECLUDE RELIANCE ON  
DOCUMENTS AND FACTS RELATED TO PERFORMANCE TESTING PRODUCED  
BY YAHOO! AFTER CLOSE OF DISCOVERY**

I, Bryan K. James, declare as follows:

1. I am an attorney in good standing with the law firm of McDermott, Will & Emery, counsel of record for Defendant Yahoo! Inc. I am over eighteen years of age, of sound mind, and am competent in all respects to make this declaration. 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. Attached hereto as Exhibit 1 is a true and correct copy of a portion of the transcripts from the February 10, 2011 deposition of Dr. Mark Jones.

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 April 24, 2011 at Tyler, Texas.

/s/ Bryan K. James

Bryan K. James  
California State Bar No. 260753  
MCDERMOTT WILL & EMERY LLP  
275 Middlefield Road, Suite 100  
Menlo Park, CA 94025  
Tel: 650.815.7400  
Fax: 650.815.7401  
E-mail: bjames@mwe.com

ATTORNEY FOR DEFENDANT  
Yahoo! Inc.