

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

BEDROCK COMPUTER TECHNOLOGIES LLC,)	Case No. 6:09-cv-269
)	
Plaintiff,)	JURY TRIAL DEMANDED
)	
v.)	The Honorable Leonard E. Davis
)	
YAHOO! INC.,)	
)	
Defendant.)	
)	
)	
)	

**DECLARATION OF BRYAN K. JAMES IN SUPPORT OF YAHOO! INC'S MOTION
TO DECLARE THIS AN EXCEPTIONAL CASE AND FOR ATTORNEYS' FEES AND
COSTS PURSUANT TO 35 U.S.C. § 285**

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 excerpts from the April 27, 2011 Morning Session Trial Transcript in this case.
3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the May 10, 2011 Trial Transcript in this case.
4. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiff's Responses to Yahoo's Fifth Set of Interrogatories (Nos. 9-20) dated January 12, 2011.

5. Attached hereto as Exhibit 4 is a true and correct copy of Plaintiff Bedrock Computer Technologies LLC's Objections and Responses to Yahoo! Inc.'s Second Set of Requests for Admissions to Plaintiff dated January 12, 2011.

6. Attached hereto as Exhibit 5 is a true and correct copy of the USPTO Non-Final Office Action from the First Reexamination of Patent No. 5,893,120, dated July 23, 2010.

7. Attached hereto as Exhibit 6 is a true and correct copy of Bedrock's Amendment in *Ex Parte* Reexamination of U.S. Patent No. 5,893,120 in Reply to the USPTO Office Action of July 23, 2010, without exhibits, dated November 23, 2010.

8. Attached hereto as Exhibit 7 is a true and correct copy of the USPTO Office Notice of Intent to Issue *Ex Parte* Reexamination Certificate for Patent No. 5,893,120, dated January 14, 2011.

9. Attached hereto as Exhibit 8 is a true and correct copy of the Second USPTO Determination granting the request for *Ex Parte* Reexamination of U.S. Patent No. 5,893,120, dated February 22, 2011.

10. Attached hereto as Exhibit 9 is a true and correct copy of the USPTO *Ex Parte* Reexamination Certificate issued for the First Reexamination of U.S. Patent 5,893,120, dated April 12, 2011.

11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the February 16, 2011 transcript from the hearing in this case.

12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the April 27, 2011 Afternoon Session Trial Transcript in this case.

13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the May 9, 2011 Trial Transcript in this case.

14. Attached hereto as Exhibit 13 is a true and correct copy of Bedrock's Information Disclosure Statement in the reexamination of the '120 patent filed with the Patent and Trademark Office on April 28, 2011.

15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the April 29, 2011 Morning Session Trial Transcript in this case.

16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the April 29, 2011 Afternoon Session Trial Transcript in this case.

17. Attached hereto as Exhibit 16 is a true and correct copy of the Opening Expert Report of Dr. Mark Jones dated January 25, 2011.

18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from the April 28, 2011 Morning Session Trial Transcript in this case.

19. Attached hereto as Exhibit 18 is a true and correct copy of Yahoo! Inc.'s First Set of Interrogatories to Plaintiff Bedrock Computer Technologies LLC, dated March 2, 2010.

20. Attached hereto as Exhibit 19 is a true and correct copy of a letter from Austin Curry to Defendants, dated April 30, 2010.

21. Attached hereto as Exhibit 20 is a true and correct copy of Plaintiff's First Rule 30(B)(6) Deposition Notice to Defendant Yahoo! Inc., dated July 14, 2010.

22. Attached hereto as Exhibit 21 is a true and correct copy of Plaintiff's Second Rule 30(B)(6) Deposition Notice to Defendant Yahoo! Inc., dated July 14, 2010.

23. Attached hereto as Exhibit 22 is a true and correct copy of Plaintiff Bedrock Computer Technologies LLC's Objections and Responses to Yahoo! Inc.'s Third Set of Interrogatories (Nos. 4-7) dated September 2, 2010.

24. Attached hereto as Exhibit 23 is a true and correct copy of excerpts from the October 7, 2010 Markman Hearing in this case.

25. Attached hereto as Exhibit 24 is a true and correct copy of Plaintiff Bedrock Computer Technologies LLC's Objections and Responses to Yahoo! Inc.'s Fourth Set of Interrogatories (No. 8), dated December 3, 2010.

26. Attached hereto as Exhibit 25 is a true and correct copy of excerpts from the April 28, 2011 Afternoon Session Trial Transcript in this case.

27. Attached hereto as Exhibit 26 is a true and correct copy of the Opening Expert Report of Mr. Roy Weinstein dated January 25, 2011. This Exhibit is being filed under seal.

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 June 6, 2011 at Menlo Park, California.

/s/ Bryan K. James

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