

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

STRAGENT, LLC and SEESAW
FOUNDATION,

Plaintiffs,

vs.

CLASSMATES ONLINE, INC.;
CLASSMATES MEDIA CORPORATION;
UNITED ONLINE, INC.; GANNETT CO.,
INC.; LINDEN RESEARCH, INC.; MEEBO,
INC.; MTV NETWORKS; VIACOM INC.;
MYLIFE.COM, INC.; MYSPACE, INC.;
NOVELL, INC.; PLAXO, INC.; and
TWITTER, INC.,

Defendants.

Case No. 6:10-cv-00242-LED

**DECLARATION OF VICTOR DE GYARFAS IN SUPPORT OF DEFENDANTS
UNITED ONLINE, INC. AND CLASSMATES MEDIA CORPORATION'S MOTION TO
DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION, FED. R. CIV. P.
12(B)(1), LACK OF PERSONAL JURISDICTION, FED. R. CIV. P. 12(B)(2), AND
IMPROPER VENUE, FED. R. CIV. P. 12(B)(3)**

I, Victor de Gyarfas, declare:

1. I make this declaration on the basis of personal knowledge, and if called to testify as a witness, I would and could competently testify hereto.

2. I am a partner at the law firm Foley & Lardner LLP, and counsel of record for Defendants United Online, Inc. And Classmates Media Corporation in this action. I make this declaration in support of Defendants United Online, Inc. And Classmates Media Corporation's Motion To Dismiss For Lack Of Subject Matter Jurisdiction, Fed. R. Civ. P. 12(b)(1), Lack Of Personal Jurisdiction, Fed. R. Civ. P. 12(b)(2), And Improper Venue, Fed. R. Civ. P. 12(b)(3).

3. Attached hereto as Exhibit A is a true and correct copy of the Second Amended Complaint for Patent Infringement filed on September 17, 2010, in this Case No. 6:10-cv-00242-LED.

4. Attached hereto as Exhibit B is Declaration of Neil P. Edwards, who is Senior Vice President of Finance, Treasurer, and Chief Accounting Officer of United Online, Inc. and Classmates Media Corporation, in support of Defendants United Online, Inc. And Classmates Media Corporation's Motion To Dismiss.

5. Attached hereto as Exhibit C is a true and correct copy of *Colida v. Sony Corporation of America*, No. CIV-2093 (RJH), 2004 WL 1737835 (S.D.N.Y. Aug. 2, 2004).

6. Attached hereto as Exhibit D is a true and correct copy of *TI Group v. VDO North America*, No. C.A. 00-432-GMS, 2002 WL 484838 (D. Del. March 7, 2002).

7. Attached hereto as Exhibit E is a true and correct copy of *Joao Control & Monitoring Sys. of Tex., LLC v. Playboy Enters. Inc.*, No. 6:09-CV-00499-LED, Dkt. No. 56 (E.D. Tex. Mar. 29, 2010).

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration is executed on October 18, 2010, at Los Angeles, California.

/s/ Victor de Gyarfas