

Exhibit A

Nonparty Witnesses Located in Texas

Jeremy Meier	1,2,4	Tyler, TX	R&D Group Manager	formerly with Nat'l Instr
Nikolaus Walch	1,2	Plano, TX	Usability Specialist	formerly with Nat'l Instr
Tim Dehne	1,2,4,5	Austin, TX	Sr VP, R&D	formerly with Nat'l Instr
Jim Offerdahl	1,3	Austin, TX	COO & CFO	formerly with Pervasive
Hayden Stewart	1,2,5	Austin, TX	VP Customer Engineering	formerly with Pervasive
Curtis Hill	1,2,4,5	Austin, TX	VP Engineering	formerly with Pervasive
Gregory Miller	3,4	Austin, TX	Finance Director	formerly with Pervasive
Wally Greene	3,4	Dallas, TX	Nat'l Account Manager	formerly with Adobe
Deron Miller	1,3	Austin, TX	SVP Sales, Americas	formerly with Adobe
Kristin Parker	1,3	Austin, TX	Enterprise Acct Manager	formerly with Adobe
Rachel Carter	1,3	Austin, TX	Educational Sales	formerly with Filemaker
Ken Mahler	2,4	Austin, TX	Lead Tech Support	formerly with Filemaker
Tami Pipkin	1,3	Houston, TX	Mngr, Corp, Educ, Gov't Sales	formerly with Filemaker
Julie Sardisco	1,3	Dallas, TX	Sr Channel Acct Manager	formerly with Safenet
Eric Johnson	1,3	Dallas, TX	Sales Engineer	formerly with Safenet
Steve Lesem	1,3	Houston, TX	Sr VP WorldWide Sales	formerly with Safenet
Jason McIntyre	1,4	Dallas, TX	Manager Channel Sales	formerly with Aladdin
Jason Granger	1,4	Dallas, TX	Regional Sales Manager	formerly with Aladdin
Yuliya Shabanov	2,4	Dallas, TX	Soft Engineer	formerly with Aladdin
Robert Navarette	2,4,5	Houston, TX	Sr OEM Program Manager	formerly with Sonic
Dennis Yost	2,4	Killeen, TX	VP Technology	formerly with Sonic
Muji Rusman	2,4	Austin, TX	Director Technical Accounts	formerly with Sonic
Jitesh Chanchani	2,4	Houston, TX	Director, Product Management	formerly with Symantec
John Armstrong	2,4	Houston, TX	Principal Consultant, Security	formerly with Symantec
Ray Schafer	2,4	Austin, TX	Sr Technical Product Manager	formerly with Symantec
Mitchell Mikula	2,4	Austin, TX	Software Architect	formerly with Symantec
Pat Stayer	1,3,4,5	Dallas, TX	VP of Sales	formerly with CA

Christopher Frank	2,4,5	Dallas, TX	Director Tech Support	formerly with CA
Deb Tummins	2,3,4,5	Houston, TX	Sr VP, Software Solution Sales	formerly with CA

Party Witnesses Are Located Texas

Jim Norman	1,2	Austin, TX	Lead developer for product activation	Nat'l Instr
Dan Quinn	3,4	Dallas, TX	District Sales Manager	Nat'l Instr
Joel Garner	3,4	Dallas, TX	District Sales Manager	Nat'l Instr
Jeffrey Cole	1,2,5	Austin, TX	IP Counsel	Nat'l Instr
Pete Smits	1,2,5	Austin, TX	Senior IP Counsel	Nat'l Instr
John Farr	1,2,3,4,5	Austin, TX	CEO	Pervasive
Randy Jonkers	3,4,5	Austin, TX	CFO	Pervasive
Robert Walsh	1,3,4	Austin, TX	Director, IT Operations	Pervasive
David Youngman	2,4,	Austin, TX	Principal Support Engineer	Pervasive
Rob McCullough	2,4	Dallas, TX	SR Program Manager	Adobe
Linda Page	2,4	Dallas, TX	Sr Director, Software	Adobe
Steve Strain	1,4	Austin, TX	Sr Account Executive	Adobe
Michael Nabhan	1,3	Austin, TX	Director, Global Channel / OEM sales	Adobe
Karrie Evitt	1,4	Dallas, TX	Western Regional Account Manger	Filemaker
James Hamilton	1,4,5	Dallas, TX	Sr VP Corp Development	Filemaker
John Marler	1,3	Houston, TX	Regional Sales Manager	SafeNet
Alan Boyd	2,4	Dallas, TX	Systems Engineer	SafeNet
Jason McIntyre	1,3	Dallas, TX	Manager Channel Sales	SafeNet
John Buchanan	1,3	Austin, TX	Regional Sales Manager	SafeNet
Tim Ollivant	1,3	Dallas, TX	Director, Enterprise Sales	Sonic Solutions
Keith Anderson	2,4	Houston, TX	Sr Applications Engineer	Sonic Solutions
Sean Jahr	1,3	Austin, TX	Director, Retail Channel Sales	Symantec
Ram Pandiri	2,4	Austin, TX	Technical Director	Symantec

James Mann	1,3	Austin, TX	Director Global Sales Operations	Symantec
Wendell Wilson	1,4,5	Dallas, TX	VP, Product Marketing	CA
Brittany Schaefer	1,3	Houston, TX	Director Sales/Security	CA
Ranal Locke	2,3,4,5	Dallas, TX	Sr VP Tech Sales North Amer.	CA

- 1) Potential witnesses with knowledge of discoverable facts regarding customer or their company's need and demand for the patented inventions, and other facts relevant to Uniloc's remedies.
- (2) Potential witnesses with knowledge of discoverable facts regarding direct and indirect infringement of the patent in suit by infringing product activation/registration instrumentalities
- (3) Potential witnesses with knowledge of discoverable facts regarding sales, offers to sell products with infringing product activation/registration instrumentalities and the damages base
- (4) Potential witnesses with knowledge of discoverable facts regarding development, implementation and/or commercialization of infringing product activation/registration instrumentalities.
- (5) Potential witnesses with knowledge of discoverable facts regarding willful infringement.

Exhibit B

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

UNILOC USA, INC. and UNILOC
(SINGAPORE) PRIVATE LIMITED,

Plaintiffs,

v.

BCL TECHNOLOGIES, et.al.

Defendants.

CIVIL ACTION NO. 6:10-cv-18

JURY TRIAL DEMANDED

DECLARATION OF DIANNA L. CASE IN SUPPORT OF UNILOC'S
OPPOSITION TO DEFENDANTS' MOTION TO TRANSFER
THIS ACTION TO THE DISTRICT OF RHODE ISLAND,
PURSUANT TO 28 U.S.C. § 1404(a)

I, Dianna Case, declare and state as follows:

1. I offer the following testimony in support of Uniloc's Opposition to Defendants' Motion to Transfer This Action to the District of Rhode Island, pursuant to 28 U.S.C. § 1404(a).

If called to testify, I could truthfully and competently testify as follows.

2. I am a trial and logistics consultant for law firms and businesses. For the past ten years, I have worked for law firms in the roles of litigation support and trial consulting management. For two years, I have served as President of Infin8Logic, a logistics consulting company based in Minneapolis, Minnesota. In 2010, I became a Principal of Connect Litigation, a national litigation management firm headquartered in Philadelphia, Pennsylvania.

3. As a trial consultant, I have developed and coordinated the implementation of logistical plans for trial teams engaged in legal proceedings which were held in venues encompassing both federal and state courts throughout the country. The aforementioned logistical plans are designed

to deliver a solution for known needs which are applicable for an out-of-town trial team engaged in said legal proceedings. This is to include but is not limited to: lodging, transportation, food, managing all technology needs, strategy development, and venue surveys.

4. Specifically, I drafted the following cost-benefit analysis for a trial in Tyler, Texas, versus Providence, Rhode Island. For purposes of the summary, a twelve-day range represents five actual trial days, with five days additional for pretrial preparation and witness preparation before the start of trial onsite and one day to conclude war room activities and pack up. The baseline costs are based on a trial team of eight people for the plaintiffs, commonly representing a short- to mid-length trial, combining multiple partners, associates, paralegals and support staff. For the six defendants, I assumed a trial team of eight people, plus an additional person for each defendant, resulting in a combined team size of 14 individuals, which includes a combination of partners, associates, paralegals and support staff.

5. In addition, I have included hotel rooms for nineteen witnesses and the seven clients (one from each party), along with two trial consultants and two project managers/IT technicians (one trial consultant and one technician for each side), which brings the total sample size to 52 people, including all team members, witnesses, clients and support staff for both sides. I have also included 10 attorneys monitoring the trial for their clients for five days, plus one additional day for arrivals.

6. Trial is estimated to begin in November 2011. The cost analysis provided herein gives an approximate budget based on a typical logistics scheduling calendar, where reservations are not actually finalized until about eight months prior to trial. Travel sites only allow for reservations up to one year in advance. For purposes of a consistent analysis, my searches are all based on pricing for November 2010.

7. The first item I compared is hotel expense for sleeping accommodations. I searched for hotels in Tyler, Texas, and Providence, Rhode Island - near the federal courthouse in each location. Although hotels may provide discounts for bulk reservations over an extended period of time, I have not included any discounts in my analysis below. Because I have not done so for

either Tyler or Providence, the discounts would cancel each other out and not affect the general analysis.

8. My search result for hotels in Tyler, Texas from Orbitz.com is attached as Exhibit A. While hotels go as low as \$34 a night, it is more likely that a trial team would select an option at least \$75 a night. Fifty two rooms for twelve days amount to \$46,800. In addition, the ten attorney rooms for client monitoring for six days amount to \$4,500, for a hotel sleeping room total of \$51,300.

9. My search result for hotels in Providence, Rhode Island, from Orbitz.com is attached as Exhibit B. Here, hotels range up to \$240 a night. The most relevant hotels are the Providence Biltmore and the Hilton Providence. Both of these hotels are close to the federal courthouse in Providence and popular for trial teams. The rates for these hotels are \$149 and \$116 per night, respectively. There are hotels located in Providence at lower rates, however because of available amenities and location to the court, these properties are unlikely to be selected by trial teams. Fifty two rooms for twelve days amount to a range of approximately \$72,384 to \$92,976. In addition, the ten attorney rooms for client monitoring for six days amount to \$6,960-\$8,940, for a hotel sleeping room total of \$79,344-\$101,916.

10. I next assessed the cost for war rooms. A war room can be created by converting hotel sleeping rooms into offices, renting office space, or obtaining conference room space from the hotel. For this quote, I used a rule of thumb that five sleeping rooms would be converted into office space. Applying the same rates as in paragraphs 6 and 7, a war room in Tyler would cost around \$9,000 (10 rooms at \$75 for 12 days multiplied by two, one for plaintiffs and one for defendants), and a war room in Providence would cost between \$13,920 and \$17,880 (10 rooms at \$116/\$149 for 12 days).

11. I then considered the cost for food and beverage. My past experience in full service properties such as the Hilton or other convention-style properties is that the hotels require the use of banquet services on property for at least a portion of the food and beverages. On average, these costs are approximately \$75 per person per day for food and beverages. The Tyler

properties used for past trials have not required the use of, and sometimes do not have, onsite banquet services. This affords the team the opportunity to hire a catering service and delivery services from restaurants, which saves on average \$25 per person per day. Thus, food and beverage in Providence for 52 people at \$75 per person/per day for 12 days is \$46,800. Food and beverage in Tyler for 52 people at \$50 per person/per day for 12 days is \$31,200.

12. A trial team also needs a rental vehicle(s) for transportation. On average, hotel properties in Tyler are within five miles of the courthouse. In Providence, while hotels are located close to the federal courthouse, I would normally recommend the use of at least one SUV for box transport and team travel during inclement weather conditions. Because Tyler hotels are further away from court, I would therefore recommend at least two SUVs for a trial team in Tyler, which will provide daily transportation for team members and witnesses. My search result for SUV rentals in Tyler is attached as exhibit C. The cost for renting two SUVs for twelve days would be approximately \$3,000. My search result for SUV rentals in Providence is attached as exhibit D. The cost for renting one SUV for twelve days would be approximately \$1,700.

13. Tyler is located approximately 2 hours from the Dallas/Ft. Worth International Airport, see map, exhibit E. Since the team would be renting two SUVs for daily transport, the vehicle starting point would be DFW, giving the team transportation to Tyler. Because of this, the outstate location of Tyler is not a negative consideration on the cost analysis.

14. The next item is technology equipment for a war room and courtroom. Generally speaking, equipment rental for the war room and courtroom would be charged under the same rental terms for both venues. For internet access, it depends on what each hotel has installed on property. Not every hotel in Providence or Tyler would meet minimum internet requirements for running a law firm's server, so both venues' internet options are equally dependent on availability.

15. In sum, the cost for trial in Tyler, Texas would be substantially less than in Providence, Rhode Island. The following chart is a short summary of the estimated cost for trial in Tyler compared with Providence as set forth above.

Summary Description	Tyler Expense	Providence Expense
Hotel Sleeping Rooms	\$ 51,300	\$ 79,344-\$101,916
War Room Space	\$ 9,000	\$ 13,920-\$17,880
Catering Costs	\$ 31,200	\$ 46,800
Vehicle Rental	\$ 3,000	\$ 1,700
TOTAL COST COMPARISON	\$ 94,500	\$141,764 -\$168,296

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on April 4, 2010 at Minneapolis Minnesota.

By: Dianna L. Case
Dianna L. Case
Declarant

Exhibit A



Welcome to Orbitz. [Sign in](#) | [Register now](#)

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Save up to 25% with Sheraton Featured Hotel
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My search:

Location: 211 W Ferguson St, Tyler, TX
Check-in: Mon, Nov 8, 2010
Check-out: Sat, Nov 20, 2010

Sort hotels by:

[Best values](#) | [Lowest price](#) | [Star rating](#) | [Distance](#)

Refine Search

- City / point of interest
- Address (US and Canada)

Address or intersection

211 W Ferguson St

City

tyler

State / Province

Texas

Zip / Postal code

Check-in

11/08/10

Check-out

11/20/10

Hotel chain

all hotel companies

Hotel name

Hotel name contains...

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Motel 6 Tyler

Nightly rates from **\$39**

[Select](#)



★ ★ ★ ★ ★ **2.4 Miles Northwest of 211 W Ferguson St**

Customer Rating

1.8 out of 5

[Read reviews](#)

This Motel 6 offers a wide variety of amenities including: 24-hour front desk service, facilities for persons with disabilities and complimentary coffee. For a... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Holiday Inn Express Hotel & Suites TYLER

Nightly rates from **\$108**

[Select](#)



★ ★ ★ ★ ★ **2.6 Miles Northwest of 211 W Ferguson St**

Customer Rating

4.0 out of 5

[Read reviews](#)

The Smart Choice Among Tyler, TX Hotels Welcome to the Holiday Inn ExpressA Hotel & Suites of Tyler, TX. Among hotels in the area, we offer the most convenient... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Super 8 Tyler TX

Nightly rates from **\$56**

[Select](#)



★ ★ ★ ★ ★ **2.6 Miles Northwest of 211 W Ferguson St**

Customer Rating

3.6 out of 5

[Read reviews](#)

Welcome to the Super 8 in Tyler, conveniently located at the intersection of US-69 North and Loop 323. From Shopping to Safaris and Plantations to Museums,... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

[+] Feedback

NEW! We know plans change
No Orbitz hotel change or cancel fees

Don't wait until the last minute!
BOOK NOW and
SAVE up to 40%

happy HAPPENS
 San Diego
Go!

Tyler Express Inn & Suites Nightly rates from **\$64** [Select](#)
 PRICE ASSURANCE Total Price **\$72** [Low Price Guarantee](#)

★★★ 2.6 Miles Northwest of 211 W Ferguson St **Customer Rating**
No score yet

Just minutes to downtown Tyler, the Tyler Express Inn and Suites is close to the University of Texas at Tyler, Caldwell Zoo, Tyler Rose Museum, Tiger Creek... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Americas Best Value Inn Nightly rates from **\$67** [Select](#)
 PRICE ASSURANCE Total Price **\$75** [Low Price Guarantee](#)

★★★ 2.6 Miles Northwest of 211 W Ferguson St **Customer Rating**
2.0 out of 5
[Read reviews](#)

Welcome to the Americas Best Value Inn and Suites Downtown/Tyler, Texas, the rose capital of the US. We are conveniently located between Dallas and Shreveport,... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Quality Inn Conference Center Nightly rates from **\$69** [Select](#)
 PRICE ASSURANCE Total Price **\$79** [Low Price Guarantee](#)

★★★ 2.7 Miles Northwest of 211 W Ferguson St **Customer Rating**
3.2 out of 5
[Read reviews](#)

Wireless highspeed internet available in all guest rooms and public areas! One of the closest full service hotel to the Tyler Regional Airport, downtown Tyler,... [more](#)

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Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Howard Johnson Tyler, TX Nightly rates from **\$39** [Select](#)

★★★ 2.7 Miles Northwest of 211 W Ferguson St **Customer Rating**
No score yet

The Howard Johnson Tyler features a Free Continental Breakfast, wireless internet, in room pay per view and refrigerator and microwaves in all rooms.

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Residence Inn by Marriott Tyler Nightly rates from **\$99** [Select](#)
 PRICE ASSURANCE Total Price **\$111** [Low Price Guarantee](#)

★★★ 3.1 Miles Southeast of 211 W Ferguson St **Customer Rating**
2.0 out of 5
[Read reviews](#)

This property has a smoke-free policy

The Residence Inn Tyler hotel extends you a Texas



welcome to the Rose Capitol of America! Even if you are not in town for the Rose Festival or Azalea Trail... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Ramada - Tyler

Nightly rates from **\$63**

[Select](#)

PRICE ASSURANCE

Low Price Guarantee

Total Price **\$70**



★★★ **3.1 Miles Southeast** of 211 W Ferguson St

Customer Rating

3.0 out of 5

The Ramada - Tyler Conference Center, located at Loop 323 and Highway 110 in Tyler's Southeast retail and commercial district, is the ideal choice for your... [more](#)

[Read reviews](#)

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Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Hampton Inn Tyler

Nightly rates from **\$76**

[Select](#)

PRICE ASSURANCE

Low Price Guarantee

Total Price **\$86**



★★★ **3.2 Miles Southeast** of 211 W Ferguson St

Customer Rating

3.7 out of 5

the real rose of Texas...welcome to the Hampton Inn Tyler. Take time to stop and smell the roses in Tyler, where you can find wild thrills as well as sublime... [more](#)

[Read reviews](#)

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Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Holiday Inn Express Hotel & Suites TYLER SOUTH

Nightly rates from **\$117**

[Select](#)

PRICE ASSURANCE

Low Price Guarantee

Total Price **\$132**



★★★ **3.3 Miles Southeast** of 211 W Ferguson St

Customer Rating

4.0 out of 5

Welcome to the Holiday Inn Express Tyler South. Our award-winning hotel near the University of Texas-Tyler is within minutes of the Tyler Pounds Regional... [more](#)

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Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

La Quinta Inn Tyler

Nightly rates from **\$76**

[Select](#)

PRICE ASSURANCE

Low Price Guarantee

Total Price **\$86**



★★★ **3.5 Miles South** of 211 W Ferguson St

Customer Rating

3.1 out of 5

From its unique setting in the beautiful "Rose Capitol" and piney woods of East Texas, the La Quinta Inn Tyler offers an inviting combination of comfort and... [more](#)

[Read reviews](#)

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Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Value Place Tyler Nightly rates from **\$33** [Select](#)

PRICE ASSURANCE Low Price Guarantee

★★★☆☆ **3.5 Miles Southwest** of 211 W Ferguson St **Customer Rating**
No score yet

Value Place is an extended-stay hotel. Our rates are priced for a minimum one week stay, and are not adjusted to a daily rate if the stay is less than one... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Fairfield Inn by Marriott Tyler Nightly rates from **\$89** [Select](#)

PRICE ASSURANCE Low Price Guarantee

★★★☆☆ **3.6 Miles Southwest** of 211 W Ferguson St **Customer Rating**
2.3 out of 5
[Read reviews](#)

This property has a smoke-free policy

The Fairfield Inn by Marriott Tyler is conveniently located near the Broadway Square Mall, Tyler Rose Garden and Harvey Convention Center. Make plans to attend... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Baymont Inn and Suites Tyler Nightly rates from **\$71** [Select](#)

PRICE ASSURANCE Low Price Guarantee

★★★☆☆ **3.6 Miles Southwest** of 211 W Ferguson St **Customer Rating**
4.3 out of 5
[Read reviews](#)

The Baymont Inn and Suites Tyler is located near the convenient Loop 323-close to Historic Downtown Tyler and just 2 miles from Tyler Pound Field Airport. At... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

ORBITZ Special Offer [▶ Stay 3, Save \\$10 per Night with eligible rates](#)
[▶ View all promotions and terms](#)

Holiday Inn TYLER-SOUTH BROADWAY Nightly rates from **\$108** [Select](#)

PRICE ASSURANCE Low Price Guarantee

★★★★☆ **4.3 Miles South** of 211 W Ferguson St **Customer Rating**
3.5 out of 5
[Read reviews](#)

Join us at our Hotel in Tyler, TX Worthy of claiming the title, "America's Rose Capital," the beautifully landscaped East Texas community of Tyler plays host... [more](#)

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Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Comfort Suites at South Broadway Mall Nightly rates from **\$89** [Select](#)

PRICE ASSURANCE Low Price Guarantee

★★★☆☆ **4.3 Miles South** of 211 W Ferguson St **Customer Rating**
out of 5



This property has a smoke-free policy

3.2

[Read reviews](#)

Interior corridor hotel, indoor heated pool, spa, fitness center, high speed Internet access, business center, meeting and conference rooms. Extended stay... [more](#)

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)

Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Candlewood Suites TYLER

Nightly rates from **\$79**

[Select](#)

PRICE ASSURANCE

Total Price **\$89**

[Low Price Guarantee](#)



★★★☆☆ **4.3 Miles South** of 211 W Ferguson St

Customer Rating

3.9 out of 5

[Read reviews](#)

We know what you need. Long-term travelers play by different rules and need a hotel that understands your unique needs. Candlewood Suites is designed from the... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Best Western Southpark Inn & Suites

Nightly rates from **\$99**

[Select](#)



★★★☆☆ **4.3 Miles South** of 211 W Ferguson St

Customer Rating

4.6 out of 5

[Read reviews](#)

Stay at this full-service Tyler, Texas hotel located minutes away from local shopping, corporate locations and key area attractions such as Lake Tyler, the... [more](#)

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)

Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Sleep Inn & Suites

Nightly rates from **\$99**

[Select](#)

PRICE ASSURANCE

Total Price **\$111**

[Low Price Guarantee](#)



★★★☆☆ **4.5 Miles South** of 211 W Ferguson St

Customer Rating

No score yet

This property has a smoke-free policy

Located in beautiful South Tyler, just steps from dining and shopping, Tyler Sleep Inn and Suites is Tyler's newest and most beautiful hotel. All rooms are... [more](#)

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)

Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Hilton Garden Inn Tyler

Nightly rates from **\$109**

[Select](#)

PRICE ASSURANCE

Total Price **\$124**

[Low Price Guarantee](#)



★★★☆☆ **4.8 Miles South** of 211 W Ferguson St

Customer Rating

4.4 out of 5

[Read reviews](#)

Texas-sized hospitality awaits you at the Hilton Garden Inn Tyler hotel. Our new hotel in Tyler, TX, complete with sleek contemporary design and... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

**Country Inn & Suites By Carlson,
Tyler South, TX**

Nightly rates from
\$67

Select

Low Price Guarantee

PRICE ASSURANCE

Total Price **\$76**



★★★☆☆ **4.9 Miles South** of 211 W Ferguson St

Customer Rating

5.0 out of 5

[Read reviews](#)

Located in South Tyler minutes from fine dining, casual eateries, shopping, seasonal festivals, UT Tyler, Texas College, Tyler Junior College may be found. Our... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Americas Best Value Inn - Tyler

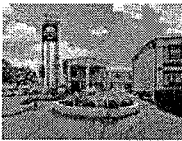
Nightly rates from
\$55

Select

Low Price Guarantee

PRICE ASSURANCE

Total Price **\$62**



★★★☆☆ **8.6 Miles North** of 211 W Ferguson St

Customer Rating

4.0 out of 5

[Read reviews](#)

Located just off I-20 between Dallas, TX and Shreveport, LA for easy on and off highway access, the Americas Best Value Inn of Tyler offers 32 spacious... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Days Inn Lindale

Nightly rates from
\$49

Select

PRICE ASSURANCE

Total Price **\$58**



★★★☆☆ **9.6 Miles Northwest** of 211 W Ferguson St

Customer Rating

3.1 out of 5

[Read reviews](#)

Come visit us at the Lindale, TX located off I-20 and Hwy 69. Conveniently located only 7 miles from Tyler. Free Highspeed Wireless Internet Access and Free... [more](#)

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Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Best Western Lindale Inn

Nightly rates from
\$67

Select

PRICE ASSURANCE

Total Price **\$76**



★★★☆☆ **9.6 Miles Northwest** of 211 W Ferguson St

Customer Rating

4.0 out of 5

[Read reviews](#)

Guests staying at this newly-renovated Lindale, Texas hotel will find easy access to Lake Holbrook and the Tyler Convention Center. Located just off Interstate... [more](#)


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Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

[Previous](#) | [Next](#)

Prices reflect both the average "base rate" per night and the "Total Price" per night, which includes base rate, taxes and fees. Rates are subject to change and may not include hotel service charges, extra person charges, or incidentals, such as room service. All rates are displayed in USD unless otherwise noted. Converted rates are provided for your convenience. They are based on today's exchange rate, but the hotel will charge you in the local currency.

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Exhibit B



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NEW No Orbitz hotel change or cancel fees

My search:

Location: One Exchange Ter, Providence, RI
Check-in: Mon, Nov 8, 2010
Check-out: Sat, Nov 20, 2010

Sort hotels by:

Best values | **Lowest price** | **Star rating** | **Distance**

Refine Search

- City / point of interest
- Address (US and Canada)

Address or Intersection

One Exchange Terrace

City

providence

State / Province

Rhode Island

Zip / Postal code

Check-in

11/08/10

Check-out

11/20/10

Hotel chain

all hotel companies

Hotel name

Hotel name contains...

Show additional options

Need help booking your trip?

Call 1-877-672-4892



Need help booking your trip? Call us 1-877-672-4892

[Previous](#) | [Next](#)

The Westin Providence

Nightly rates from **\$239**

[Select](#)

PRICE ASSURANCE

Total Price **\$270**

Low Price Guarantee



★★★★☆ 0 Miles South of One Exchange Ter
This property has a smoke-free policy

Customer Rating
4.0 out of 5

Connected to the Rhode Island Convention Center and the new Providence Place Mall, and located in downtown Providence, The Westin Providence boasts an... [more](#)

[Read reviews](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Providence Biltmore

Nightly rates from **\$149**

[Select](#)

PRICE ASSURANCE

Total Price **\$168**

Low Price Guarantee



★★★☆☆ 0.1 Miles Southeast of One Exchange Ter

Customer Rating
3.7 out of 5

The Providence Biltmore Hotel offers the ultimate in luxury and Comfort. Opened in 1922, it was designed to recreate the high Standards of living enjoyed at... [more](#)

[Read reviews](#)

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Hilton Providence

Nightly rates from **\$116**

[Select](#)

PRICE ASSURANCE

Total Price **\$131**

Low Price Guarantee



★★★★☆ 0.3 Miles Southwest of One Exchange Ter

Customer Rating
3.8 out of 5

The Hilton Providence hotel in Providence, Rhode Island is a full-service luxury hotel with 274 beautifully appointed guestrooms. Located in the heart of... [more](#)

[Read reviews](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Includes Internet and Self-Parking with eligible rates


[+] Feedback

NEW
 We know plans change
 No. Orbitz hotel change or cancel fees

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Courtyard by Marriott Providence Downtown Nightly rates from **\$219** **Select**
 Total Price **\$247** Low Price Guarantee

PRICE ASSURANCE

 **★★★** **0.3 Miles South** of One Exchange Ter **Customer Rating 3.8** out of 5 [Read reviews](#)

This property has a smoke-free policy


Courtyard by Marriott Providence Hotel is cutting edge in the heart of downtown. Choose to stay in the center of it all, as we are located directly across from... [more](#)

Details | Map | Photos

Amenities Pool Pets-OK Room service Restaurant Fitness room Smoke-free policy

Hampton Inn & Suites Providence Downtown Nightly rates from **\$122** **Select**
 Total Price **\$138** Low Price Guarantee

PRICE ASSURANCE

 **★★** **0.3 Miles East** of One Exchange Ter **Customer Rating 4.1** out of 5 [Read reviews](#)


comfortably cosmopolitan...welcome to the Hampton Inn & Suites-Providence Downtown, RI. Not all that long ago, Providence was considered little more than a... [more](#)

Details | Map | Photos

Amenities Pool Pets-OK Room service Restaurant Fitness room Smoke-free policy

Renaissance Providence Hotel Nightly rates from **\$219** **Select**
 Total Price **\$247** Low Price Guarantee

PRICE ASSURANCE

 **★★★★** **0.4 Miles North** of One Exchange Ter **Customer Rating 4.3** out of 5 [Read reviews](#)

This property has a smoke-free policy

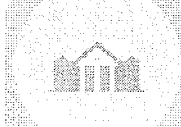
Discover a dramatic departure from the typical Providence hotel and celebrate the arts while enjoying the grandeur of the historic Renaissance Providence... [more](#)

Details | Map | Photos

Amenities Pool Pets-OK Room service Restaurant Fitness room Smoke-free policy

Christopher Dodge House Nightly rates from **\$111** **Select**

PRICE ASSURANCE

 **★★** **0.5 Miles Northwest** of One Exchange Ter **Customer Rating 5.0** out of 5 [Read reviews](#)

Period furnishings, and paintings bring a simple charm and elegance to our Bed and Breakfast hotels. Centrally located in Providence, Rhode Island, our quiet... [more](#)


Details | Map | Photos

Amenities Pool Pets-OK Room service Restaurant Fitness room Smoke-free policy

Providence Marriott Downtown Nightly rates from **\$199** **Select**
 Total Price **\$247** Low Price Guarantee

PRICE ASSURANCE

Total Price **\$225**



★★★★ 0.7 Miles North of One Exchange Ter

This property has a smoke-free policy

The Providence Marriott Downtown is the only Providence hotel with free parking. Recharge, refresh and rediscover the possibilities at the Providence Marriott... [more](#)

[Details](#) | [Map](#) | [Photos](#)


Customer Rating
3.8 out of 5
[Read reviews](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Nightly rates from **\$119**
Total Price **\$135**

Radisson Hotel Providence Harbor

PRICE ASSURANCE



★★★☆☆ 1.3 Miles East of One Exchange Ter

Hotel features free parking, downtown shuttle service at a daily rate, business center, fitness room, restaurant, lounge and room service. Jacuzzi rooms and... [more](#)

[Details](#) | [Map](#) | [Photos](#)


Customer Rating
3.7 out of 5
[Read reviews](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Nightly rates from **\$79**
Total Price **\$90**

Extended Stay America Providence - East Providence

PRICE ASSURANCE



★★★☆☆ 2.4 Miles East of One Exchange Ter

*WIRELESS HIGH-SPEED INTERNET ACCESS (FEES APPLY)

[Details](#) | [Map](#) | [Photos](#)


Customer Rating
4.3 out of 5
[Read reviews](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Nightly rates from **\$62**
Total Price **\$71**

Americas Best Value Inn Providence/Rumford

PRICE ASSURANCE



★★★☆☆ 3.5 Miles Northeast of One Exchange Ter

Americas Best Value Inn welcomes you to Rumford, Rhode Island, a subdivision of the city of East Providence that touches Naragansett Bay. Rhode Island is a... [more](#)

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)


Customer Rating
1.0 out of 5
[Read reviews](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Nightly rates from **\$89**
Total Price **\$101**

Comfort Inn Pawtucket

PRICE ASSURANCE



★★★☆☆ 3.7 Miles Northeast of One Exchange Ter

Beautifully appointed rooms. Private balcony in some rooms. Cable television with pay-per-view movies and Nintendo. Interior corridor. Free wireless high-speed... [more](#)

Customer Rating
3.9 out of 5
[Read reviews](#)

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Motel 6 Providence East

Nightly rates from **\$49**

[Select](#)



★★★★ 4.5 Miles East of One Exchange Ter
This Motel 6 offers a wide variety of amenities including: 24-hour front desk service, facilities for persons with disabilities and complimentary coffee. For a... [more](#)

Customer Rating

3.8 out of 5
[Read reviews](#)

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Ramada Seekonk Conference Center

Nightly rates from **\$73**

[Select](#)

PRICE ASSURANCE

Total Price **\$80**

Low Price Guarantee



★★★ 4.7 Miles East of One Exchange Ter
Ramada Seekonk Conference Center hotel is situated off of I-195, Exit 1 in MA, just five miles from downtown Providence, RI, and fifteen minutes from the TF... [more](#)

Customer Rating

3.4 out of 5
[Read reviews](#)

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Comfort Inn Seekonk

Nightly rates from **\$79**

[Select](#)

PRICE ASSURANCE

Total Price **\$89**

Low Price Guarantee



★★★ 4.7 Miles Southeast of One Exchange Ter
This location offers the unique experience of Providence shopping, historical locations, and fine restaurants. Sightseeing offers Newport's famous Mansions... [more](#)

Customer Rating

3.8 out of 5
[Read reviews](#)

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Hampton Inn Seekonk, MA

Nightly rates from **\$96**

[Select](#)

PRICE ASSURANCE

Total Price **\$108**

Low Price Guarantee



★★★ 4.8 Miles Southeast of One Exchange Ter
explore New England's coast...welcome to the Hampton Inn Seekonk. The Hampton Inn® hotel in Seekonk sits just a few miles from many of Massachusetts' and Rhode... [more](#)

Customer Rating

No score yet

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Days Inn Cranston/Providence

Nightly rates from **\$58**

[Select](#)

PRICE ASSURANCE

Total Price **\$65**

Low Price Guarantee

★★★ 4.8 Miles Southwest of One



Exchange Ter

* T.F. * Three Malls within 2 miles: Garden City Mall, Rhode Island Mall & Warwick Mall

[Details](#) | [Map](#) | [Photos](#)

Customer Rating

2.7 out of 5

[Read reviews](#)

Amenities Pool | Pets OK | Room-service | Restaurant | Fitness-room | Smoke-free policy

Best Western Providence-Seekonk Inn

Nightly rates from

\$75

[Select](#)

Low Price Guarantee

PRICE ASSURANCE

Total Price **\$85**



★★★☆☆ 4.9 Miles Southeast of One Exchange Ter

This property has a smoke-free policy

Welcome to your home away from home. Your room is designed to help you relax as well as enjoy our plush down comforters our vibrant LCD flat screen televisions... [more](#)

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)

Customer Rating

3.9 out of 5

[Read reviews](#)

Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Knights Inn Seekonk MA

Nightly rates from

\$52

[Select](#)

Low Price Guarantee

PRICE ASSURANCE

Total Price **\$58**



★★☆☆☆ 4.9 Miles Southeast of One Exchange Ter

Knights Inn Seekonk has easy access to I-95, just minutes from Providence, Rhode Island and under an hour to Boston. Numerous Restaurants in Walking... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Customer Rating

3.0 out of 5

[Read reviews](#)

Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Courtyard by Marriott Providence Warwick

Nightly rates from

\$114

[Select](#)

Low Price Guarantee

PRICE ASSURANCE

Total Price **\$128**



★★★★☆ 5 Miles South of One Exchange Ter

This property has a smoke-free policy

The Courtyard by Marriott Providence Warwick accommodations are perfect for any Rhode Island traveler. This Providence Warwick hotel is close to Downtown... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Customer Rating

4.2 out of 5

[Read reviews](#)

Amenities Pool | Pets-OK | Room-service | Restaurant | Fitness room | Smoke-free policy

Motel 6 Providence Warwick

Nightly rates from

\$53

[Select](#)



★★★★☆ 5.1 Miles South of One Exchange Ter

This Motel 6 is conveniently located near many colleges, hospitals and attractions. The motel is just 2 miles from the T.F. Green State Airport and 27 miles... [more](#)

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)

Customer Rating

2.6 out of 5

[Read reviews](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

La Quinta Inn & Suites Warwick Providence Airport

Nightly rates from **\$84**

Select

Low Price Guarantee

PRICE ASSURANCE

Total Price **\$95**



★★★☆☆ **5.1 Miles South** of One Exchange Ter

Customer Rating

3.6 out of 5

[Read reviews](#)

The newly renovated La Quinta Inn & Suites Warwick Providence Airport offers all-new guest rooms, free wireless high-speed Internet access, a free business... [more](#)

[Details](#) | [Map](#) | [Photos](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Days Inn Attleboro

Nightly rates from **\$59**

Select

Low Price Guarantee

PRICE ASSURANCE

Total Price **\$63**



★★☆☆☆ **5.4 Miles Northeast** of One Exchange Ter

Customer Rating

2.7 out of 5

[Read reviews](#)

* McCoy Stadium 2 miles (Home of Pawtucket Red Sox)

[Details](#) | [Map](#) | [Photos](#) | [Tours](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Shangri La Motel

Nightly rates from **\$50**

Select

Low Price Guarantee

PRICE ASSURANCE

Total Price **\$55**



★★☆☆☆ **5.8 Miles Southeast** of One Exchange Ter

Customer Rating

2.1 out of 5

[Read reviews](#)

Welcome to the Shangri-La Motel in Seekonk, Massachusetts where your comfort and convenience is our pleasure. Spacious accommodations-two queen beds, two full... [more](#)

[Details](#) | [Map](#)

Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy

Sheraton Providence Airport Hotel

Nightly rates from ~~\$126~~ **\$107**

Select

Low Price Guarantee

PRICE ASSURANCE

Total Price **\$121**



★★★☆☆ **6.6 Miles South** of One Exchange Ter

Customer Rating

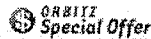
4.1 out of 5

[Read reviews](#)

Whether your travels bring you to New England for business or pleasure, the Sheraton Providence Airport Hotel puts you within easy reach of the area's myriad... [more](#)

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Amenities Pool | Pets OK | Room service | Restaurant | Fitness room | Smoke-free policy




► **Save 15% on your stay**
► **View all promotions and terms**

Prices reflect both the average "base rate" per night and the "Total Price" per night, which includes base rate, taxes and fees. Rates are subject to change and may not include hotel service charges, extra person charges, or incidentals, such as room service. All rates are displayed in USD unless otherwise noted. Converted rates are provided for your convenience. They are based on today's exchange rate, but the hotel will charge you in the local currency.

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Review and complete your booking

1 Car rental details

[Back to search results](#)

Hertz
Full Size SUV



Ford Expedition (or similar)

Pick-up: Mon, Nov 8, 2010 - 11:00 am
Dallas/Fort Worth International (DFW) (in terminal - shuttle to car)
Phone: 972.453.4600 | 800.654.3131
Hours: Open 24 hours
[Shuttle information](#)

Passengers: **8**
Luggage: **4**
Doors: **4**
Automatic Transmission
Air Conditioning

Drop-off: Sat, Nov 20, 2010 - 11:00 am
same location as above

Avoid unexpected charges and restrictions by reading the [car rental rules](#).

2 Recommended: Add Rental Car Protector

This item changes the total trip cost

Protect yourself against rental car losses or damages with Access America, it may be **less expensive now** than at the car counter. Policies provide up to \$40,000 in primary coverage for rentals up to 45 consecutive days (not available to Texas residents). Limitations apply, [learn more](#).

- Yes, add Rental Car Damage Protector for **only \$9 per day**. This is \$117.00 total.
- No thanks.

3 Review car rental cost

Base rate	\$1,097.99
1 week @ \$640.49/week	
5 extra days @ \$91.50/extra day	
<u>Taxes and fees</u>	\$400.77
Total car rental estimate	\$1,498.76 USD
Amount due now	\$0.00 USD
Amount due at pick-up	\$1,498.76 USD
Base rate and taxes and fees .	

Mileage and rates

unlimited mileage	
Weekly rate:	\$640.49 USD
Extra hour:	\$457.50 USD
Extra day:	\$91.50 USD
Minimum rental:	5 days
Maximum rental:	28 days

4 Optional: Members please sign in for faster booking

We'll fill in your preferences, coupons, reward points and billing info.

[Am I a member?](#)

E-mail address Password Remember my e-mail address when I return.

[Forgot your password?](#)

[+] Feedback

5 Optional: Upgrade Car

More room, more comfort, more fun. Upgrade and escape the everyday!



Hertz Luxury Elite SUV, Unlimited miles
Only \$5.00 more per day Total:\$1,575

Automatic Transmission
Air Conditioning

Hertz Premium SUV, Unlimited miles
Only \$2.86 more per day Total:\$1,543

Passengers: 8
Luggage: 6

Why Upgrade Now

Extra room for you and your bags
Drive in style (and get a great deal)



Ford Excursion(or similar)

Doors:4
Automatic Transmission
Air Conditioning

6 Who's driving

Please be aware that car rental companies require the driver to supply a credit card in his/her name in order to pick up the car. [Read age policy](#) if the driver is under 25 or over 65. Rental may be refused based on driver's age.

We guard your privacy
Orbitz pledges to keep your personal information private and protected. [View our privacy policy](#)

Title *First/given name Middle *Last name/surname Suffix

Hertz #1 Club/Gold number:

This is **not** my information. I am making this reservation for another person.

*Your e-mail address [Why we ask](#)

*Retype e-mail address

* Home phone number [Why we ask?](#)
 - -

[\(Phone outside US?\)](#)

I am a resident of the European Union (EU). [Why we ask?](#)

Send me the latest Orbitz specials, travel news, and Fare Sale Alerts.

7 Flight delay? No problem

Give us your flight info, and we'll send it to the rental agency so the staff can adjust your pick-up time - or stay open later - if you're delayed.

Airline Flight number
Select Airline

8 Optional: Request special equipment

You can make up to three special equipment requests. These are only requests and are not guaranteed. Contact your rental company to confirm availability. Additional fees may apply.

- Bicycle rack
- Luggage rack
- Left-hand control
- Navigation system
- Infant car seat
- Toddler car seat
- Ski rack
- Right-hand control
- Trailer hitch
- Mobile phone
- Snow chains

9 Complete your booking

By clicking "Complete booking", you acknowledge that:

You agree and accept the Orbitz site [terms and conditions](#) updated June 30, 2009 which incorporate the Orbitz [privacy policy](#).

Rental fees are due at pick-up.

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Exhibit D



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Review and complete your booking

RESERVE

1 Car rental details

[Back to search results](#)

Hertz
Full Size SUV



Ford Expedition (or similar)

Pick-up: Mon, Nov 8, 2010 - 11:00 am
Providence T.F.Green Airport (PVD)
(in terminal - walk to car)
Phone: 401.738.7500 | 800.654.3131
Hours: 12:01 am - 12:30 am, 6:00 am - 12:00 am

Drop-off: Sat, Nov 20, 2010 - 11:00 am
same location as above

Passengers: **8**
Luggage: **4**
Doors: **4**
Automatic Transmission
Air Conditioning

Avoid unexpected charges and restrictions by reading the [car rental rules](#).

2 Recommended: Add Rental Car Protector

This item changes the total trip cost

Protect yourself against rental car losses or damages with Access America, it may be **less expensive now** than at the car counter. Policies provide up to \$40,000 in primary coverage for rentals up to 45 consecutive days (not available to Texas residents). Limitations apply, [learn more](#).

- Yes**, add Rental Car Damage Protector for **only \$9 per day**. This is \$117.00 total.
 No thanks.

3 Review car rental cost

Base rate	\$1,302.59
1 week @ \$710.49/week	
5 extra days @ \$118.42/extra day	
<u>Taxes and fees</u>	\$385.08
Total car rental estimate	\$1,687.67 USD
Amount due now	\$0.00 USD
Amount due at pick-up	\$1,687.67 USD
Base rate and taxes and fees .	

Mileage and rates

unlimited mileage	
Weekly rate:	\$710.49 USD
Extra hour:	\$592.10 USD
Extra day:	\$118.42 USD
Minimum rental:	5 days
Maximum rental:	28 days

4 Optional: Members please sign in for faster booking

We'll fill in your preferences, coupons, reward points and billing info.

[Am I a member?](#)

E-mail address Password Remember my e-mail address when I return.

[Forgot your password?](#)

5 Who's driving

Please be aware that car rental companies require the driver to supply a credit card in his/her name in order to pick up the car. [Read age policy](#) if the driver is under 25 or over 65. Rental may be refused based on driver's age.

Title *First/given name Middle *Last name/surname Suffix

Hertz #1 Club/Gold number:

This is **not** my information. I am making this reservation for another person.

*Your e-mail address [Why we ask](#)

*Retype e-mail address

[+]

We guard your privacy

Orbitz pledges to keep your personal information private and protected. [View our privacy policy](#)

* Home phone number [Why we ask?](#)

- -

(Phone outside US?)

I am a resident of the European Union (EU). [Why we ask?](#)

Send me the latest Orbitz specials, travel news, and Fare Sale Alerts.


6 Flight delay? No problem



Give us your flight info, and we'll send it to the rental agency so the staff can adjust your pick-up time - or stay open later - if you're delayed.

Airline

Flight number

7 Optional: Request special equipment

 You can make up to three special equipment requests. These are only requests and are not guaranteed. Contact your rental company to confirm availability. Additional fees may apply.

- Bicycle rack
- Luggage rack
- Left-hand control 
- Navigation system
- Infant car seat
- Toddler car seat
- Ski rack
- Right-hand control 
- Trailer hitch
- Mobile phone
- Snow chains

8 Complete your booking


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Exhibit E

Show for all steps: **Text only** | [Maps](#) | [Street View](#) Include large map

Roll over the directions to customize each step.



Directions to Tyler, TX
120 mi – about **2 hours 9 mins**

You can enter notes here.

Save trees. Go green!

Download Google Maps on your phone at google.com/gmm



Dallas/Fort Worth International Airport, Grapevine, TX 76051

- | | | |
|--|---|-----------------------------|
| | 1. Head east | go 0.1 mi
total 0.1 mi |
| | 2. Continue straight
Partial toll road
About 1 min | go 0.3 mi
total 0.4 mi |
| | 3. Slight right to merge onto TX-97 Spur
Partial toll road
About 2 mins | go 2.2 mi
total 2.6 mi |
| | 4. Take the exit onto TX-114 E toward Irving/Downtown Dallas
About 12 mins | go 10.8 mi
total 13.5 mi |
| | 5. Merge onto TX-183 E
About 3 mins | go 2.5 mi
total 15.9 mi |
| | 6. Merge onto I-35 E S
About 4 mins | go 4.0 mi
total 19.9 mi |
| | 7. Take exit 429A toward I-45/US-75/Houston | go 0.5 mi
total 20.5 mi |
| | 8. Merge onto TX-366 Spur E
About 1 min | go 1.0 mi
total 21.4 mi |
| | 9. Take the exit toward I-45 S/Houston | go 0.4 mi
total 21.8 mi |
| | 10. Merge onto US-75 S
About 1 min | go 1.5 mi
total 23.3 mi |
| | 11. Continue onto I-45 S | go 0.4 mi
total 23.7 mi |
| | 12. Take exit 283B to merge onto S.M. Wright Fwy/US-175 E toward Kaufman
Continue to follow US-175 E
About 10 mins | go 10.3 mi
total 34.0 mi |
| | 13. Take the exit onto I-20 E
About 1 hour 10 mins | go 68.4 mi
total 102 mi |
| | 14. Take exit 548 for TX-110 toward Tyler/Van | go 0.3 mi
total 103 mi |
| | 15. Turn right at TX-110 S/Van Hwy
Continue to follow TX-110 S
About 19 mins | go 15.8 mi
total 119 mi |
| | 16. Continue onto W Gentry Pkwy
About 3 mins | go 1.1 mi
total 120 mi |
| | 17. Turn right at N Broadway Ave
About 1 min | go 0.6 mi
total 120 mi |



Tyler, TX

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2010 Google, Sanborn

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.

Exhibit C



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U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30									
TEXAS EASTERN		2010	2009	2008	2007	2006	2005	Numerical Standing			
OVERALL CASELOAD STATISTICS	Filings*	3,599	3,725	3,498	3,873	3,658	3,583	U.S.	Circuit		
	Terminations	3,345	3,455	3,679	3,572	3,623	3,538				
	Pending	3,701	3,445	3,179	3,352	3,079	3,035				
	% Change in Total Filings	Over Last Year		-3.4				69	5		
		Over Earlier Years		2.9		-7.1		-1.6		4	4
Number of Judgeships		8	8	8	8	8	8				
Vacant Judgeship Months**		8.9	.0	.0	.0	.0	.0				
ACTIONS PER JUDGESHIP	FILINGS	Total	451	466	437	484	457	448	42	5	
		Civil	374	399	358	403	375	376	30	3	
		Criminal Felony	76	67	79	81	82	72	40	3	
		Supervised Release Hearings**	1	0	0	0	0	0	94	9	
	Pending Cases		463	431	397	419	385	379	23	3	
	Weighted Filings**		683	594	616	674	550	511	5	2	
	Terminations		418	432	460	447	453	442	48	6	
Trials Completed		22	22	24	18	21	21	44	7		
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	9.8	10.3	9.6	8.7	9.2	8.3	55	6	
		Civil**	9.6	10.8	9.2	9.0	9.0	10.3	65	6	
	From Filing to Trial** (Civil Only)		21.7	25.0	18.5	18.0	17.7	15.9	25	5	
OTHER	Civil Cases Over 3 Years Old**	Number	141	116	76	41	80	64			
		Percentage	4.6	4.0	2.9	1.5	3.2	2.6	43	5	
	Average Number of Felony Defendants Filed Per Case		2.0	2.0	1.9	1.8	1.6	1.7			
	Jurors	Avg. Present for Jury Selection	42.69	40.45	34.53	40.26	36.89	34.27			
Percent Not Selected or Challenged		38.0	38.7	36.7	35.5	30.1	30.2				

2010 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE



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U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30						Numerical Standing		
RHODE ISLAND		2010	2009	2008	2007	2006	2005	U.S.	Circuit	
OVERALL CASELOAD STATISTICS	Filings*	1,296	1,239	1,387	723	727	725			
	Terminations	807	677	567	710	685	714			
	Pending	2,902	2,416	1,853	1,035	1,030	987			
	% Change in Total Filings	Over Last Year		4.6				33	3	
	Over Earlier Years			-6.6	79.3	78.3	78.8	3	1	
Number of Judgeships		3	3	3	3	3	3			
Vacant Judgeship Months**		12.0	12.0	12.0	9.9	.0	.0			
ACTIONS PER JUDGESHIP	FILINGS	Total	432	413	463	241	242	242	49	1
		Civil	370	352	420	198	194	191	32	1
		Criminal Felony	57	55	36	40	42	45	55	3
		Supervised Release Hearings**	5	6	7	3	6	6	89	5
	Pending Cases		967	805	618	345	343	329	6	1
	Weighted Filings**		292	290	330	242	272	271	83	3
	Terminations		269	226	189	237	228	238	82	2
Trials Completed		10	10	10	14	17	17	88	4	
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	8.5	8.1	6.5	6.7	7.1	6.9	40	1
		Civil**	11.8	10.6	8.8	8.2	8.9	9.2	87	5
	From Filing to Trial** (Civil Only)		-	19.0	25.0	23.0	19.0	17.0	-	-
OTHER	Civil Cases Over 3 Years Old**	Number	345	282	288	264	35	36		
		Percentage	13.2	13.1	17.7	31.7	4.3	4.6	78	5
	Average Number of Felony Defendants Filed Per Case		1.1	1.1	1.2	1.2	1.2	1.2		
	Jurors	Avg. Present for Jury Selection	46.07	29.71	45.94	38.60	50.46	26.56		
Percent Not Selected or Challenged		41.1	22.2	32.8	32.3	34.5	16.4			

2010 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE

Exhibit D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNILOC USA, INC.,
ET AL.,
Plaintiffs,

v.

CA 03-440 S

MICROSOFT CORPORATION,
ET AL.,
Defendants.

ORDER

This case is hereby referred to the District of Massachusetts for assignment to Judge William Young, sitting by designation.

This matter does not give rise to an "emergency" with respect to the referred case pursuant to 28 U.S.C. §636(f). The assigned Magistrate Judge for the District of Rhode Island will continue to perform the duties specified in 28 U.S.C. §636(a)-(c).

SO ORDERED.

ENTER:

WSMM
United States District Judge
William E. Smith

date: 1/29/11

Exhibit E

**United States Court of Appeals
for the Federal Circuit**

**IN RE VERIZON BUSINESS NETWORK SERVICES
INC. VERIZON ENTERPRISE DELIVERY LLC,
VERIZON SERVICES CORP., AT&T CORP., QWEST
COMMUNICATIONS CORPORATION, AND QWEST
CORPORATION,**
Petitioners.

Miscellaneous Docket No. 956

On Petition for Writ of Mandamus to the United
States District Court for the Eastern District of Texas in
case no. 08-CV-0215, Judge T. John Ward.

ON PETITION FOR WRIT OF MANDAMUS

Before LOURIE, GAJARSA, and LINN, *Circuit Judges.*
LINN, *Circuit Judge.*

BRYANT C. BOREN, JR., Baker Botts LLP, of Palo Alto,
California, for petitioner AT&T Corporation. With him on
the petition were CHRISTOPHER W. KENNERLY, KEVIN E.
CADWELL and JOSHUA J. PARKER.

BRIAN D. ROCHE, Reed Smith LLP, of Chicago, Illinois, for petitioners Qwest Communications Corporation, et al. With him on the petition was DOYLE B. JOHNSON.

GEOFFREY P. EATON, Winston & Strawn LLP, of Washington, DC, for petitioners Verizon Business Network Services Inc., et al. With him on the petition were CHARLES B. MOLSTER, III, PETER C. MCCABE, III and KURT A. MATHAS. Of counsel were JOHN THORNE, Verizon Corporation Resources Group LLC, of Arlington, Virginia; and LEONARD C. SUCHYTA and CAREN K. KHOO, of Basking Ridge, New Jersey.

DOUGLAS A. CAWLEY, McKool Smith, P.C., of Dallas, Texas, for respondent Red River Fiber Optic Corporation. With him on the response were DAVID SOCHIA, CHRISTOPHER T. BOVENKAMP and STEVEN CALLAHAN.

ORDER

Section 1404(a) of Title 28 of the United States Code authorizes a change of venue from one district court to another “[f]or the convenience of parties and witnesses, in the interest of justice.” The principal question in this petition for a writ of mandamus is whether the trial court could plausibly justify denying transfer to a far more convenient venue based solely on its previous handling of a lawsuit involving the same patent that settled more than five years before this suit was filed. Because we cannot discern a supportable basis for that conclusion, we grant the petition.

I.

This petition arises out of a patent infringement suit against the six petitioner-defendants, Verizon Services Corp., Verizon Business Network Services Inc., Verizon

Enterprise Delivery LLC, AT&T Corp., Qwest Corporation, and Qwest Communications Corporation, brought by the respondent-plaintiff, Red River Fiber Optic Corporation. Red River's complaint asserts that the defendants' end-to-end fiber optic transmission systems infringe U.S. Patent No. 5,555,478, entitled "Fiber optic information transmission system."

Red River brought this suit in the Eastern District of Texas. Although Red River is operated from Oklahoma, it incorporated under the laws of Texas and asserts that its principal place of business is now in Marshall, Texas. According to Red River, it is "a Texas corporation that exists to improve the state of technology by licensing [its patent]." *Respondent's Opp'n* at 8.

The petitioners moved to transfer this case to the Northern District of Texas, Dallas Division, approximately 150 miles away. The motion was initially denied by a Magistrate Judge. In his decision, the Magistrate agreed with the petitioners that the Northern District of Texas, Dallas Division would likely be more convenient for the parties and the witnesses. He further noted that a number of party witnesses resided within 100 miles of Dallas and no witness resided within 100 miles of Marshall, Texas. However, the Magistrate held that judicial economy favored maintaining this suit in Marshall, Texas. The Magistrate noted that the court had previously handled a lawsuit involving the same patent and had construed 25 of the patent's terms. That previous suit settled in 2003.

The petitioners sought review of that order with the district court, contending that the length of time between the two cases and the more recent reexamination warranted a result contrary to the Magistrate's decision. The district court agreed with the Magistrate. The court noted that despite the reexamination, "there would be an overlap of issues for claim construction allowing the Court

to take advantage of the built-in efficiencies that result from having the same Court hearing related cases.” *Red River Fiber Optic Corp. v. Verizon Servs. Corp.*, 08-CV-0215, slip op. at 2 (E.D. Tex. Aug. 3, 2010). The court further noted that transferring the case now would not only waste those built-in efficiencies but in addition “the past two years of litigation before this Court will have to be duplicated.” *Id.*

II.

A motion to transfer under § 1404(a) calls upon the trial court to weigh a number of case-specific factors based on the individualized facts on record. *See Stewart Org., Inc. v. Ricoh Corp.*, 487 U.S. 22, 29 (1988). Although a trial court has great discretion in these matters, mandamus may issue when the trial court’s application of those factors creates a patently erroneous result. *In re Volkswagen of Am., Inc.*, 545 F.3d 304, 310 (5th Cir. 2008) (en banc); *see also In re TS Tech USA Corp.*, 551 F.3d 1315, 1318-19 (Fed. Cir. 2008).

In *Volkswagen*, the Fifth Circuit sitting en banc granted mandamus and determined that a significant number of witnesses and parties were located within 100 miles of the Dallas Division and could be deposed and testify without significant travel or expense, while no witness or party was located within the Marshall Division. 545 F.3d at 316-17. The Fifth Circuit held that the trial court’s denial of transfer was patently erroneous, in part because every witness would be required to expend significant time and cost to attend trial.

This case is in many respects analogous to *Volkswagen*. As in that case, there is a stark contrast in convenience and fairness with regard to the identified witnesses. It appears that many witnesses reside within 100 miles of the Dallas Division and would also be subject to the Northern District’s subpoena powers. Meanwhile,

it is undisputed that no witness resides within 100 miles of the Marshall Division. Thus, maintaining trial in the Marshall Division would require witnesses to undergo the cost, time, and expense of travel, which would be significantly reduced if this case was transferred to the Dallas Division.

Red River attempts to distinguish this case from *Volkswagen* on the grounds that it has a presence in the Eastern District of Texas and has maintained sources of proof in Marshall, Texas from its prior litigation in the Eastern District of Texas that settled in 2003. Red River itself, however, acknowledges that these documents are artifacts of its prior litigation and that it has no employees in its offices in the Eastern District of Texas. Red River alternatively suggests that perhaps Oklahoma, where its sole owner resides, should be considered its actual place of business. *See Respondent's Opp'n* at pg. 24, n.20 ("If this Court concludes that Red River's Marshall-based location and documents are not entitled to any weight, it should also conclude that Red River, for transfer purposes, is located in Oklahoma"). In any event, it is clear that trial in Dallas would be far more convenient.

Red River contends that despite the contrast in convenience between the venues, denial of transfer was nevertheless plausible. However, Red River's basis for that conclusion is the trial court's previous handling of a lawsuit involving the same patent that settled more than five years before this suit was filed. The Eastern District of Texas would have to relearn a considerable amount based on the lapse in time between the two suits and would likely have to familiarize itself with reexamination materials that were not part of the record during the previous suit.

To interpret § 1404(a) to hold that any prior suit involving the same patent can override a compelling

showing of transfer would be inconsistent with the policies underlying § 1404(a). We recently advised against such ironclad rules in *In re Vistaprint Ltd.*, 628 F.3d 1342, 1347, n.3 (Fed. Cir. 2010) and we heed that advice on these facts. In *Vistaprint*, we stated:

Our holding today does not mean that, once a patent is litigated in a particular venue the patent owner will necessarily have a free pass to maintain all future litigation involving that patent in that venue. However, where, as here, the trial court performed a detailed analysis explaining that it is very familiar with the only asserted patent and the related technology, and where there is a co-pending litigation before the trial court involving the same patent-in-suit, and pertaining to the same underlying technology and accusing similar services, we cannot say the trial court clearly abused its discretion in denying transfer.

Id.

In *Vistaprint*, we denied mandamus to overturn a denial of transfer and determined that the district court properly considered both its previous experience construing claims of the patent at issue and co-pending litigation before the district court involving the same patent and underlying technology. In this case, there is no assertion that there is an additional pending lawsuit in the Eastern District involving the patent and technology. Absent that, we deem the Eastern District's previous claim construction in a case that settled more than five years before the filing of this lawsuit to be too tenuous a reason to support denial of transfer.

Accordingly,

IT IS ORDERED THAT:

The petition for a writ of mandamus is granted.

FOR THE COURT

March 23, 2011
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

Exhibit F

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
Uniloc USA, Inc. and Uniloc)	
Singapore Private Limited,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 03-440S
)	
Microsoft Corporation,)	
)	
Defendant.)	
_____)	

DECISION AND ORDER

WILLIAM E. SMITH, United States District Judge

Plaintiffs Uniloc USA, Inc. and Uniloc Singapore Private Limited (collectively referred to as "Uniloc") have filed this patent infringement action against Microsoft Corporation ("Microsoft") for allegedly infringing Uniloc's United States Patent Number 5,490,216 ("the '216 Patent"). In general terms, the '216 Patent provides a system for software registration that is directed towards reducing the unauthorized use of software by allowing "digital data or software to run in a use mode on a [computer] platform if and only if an appropriate licensing procedure has been followed." '216 Patent, col. 2, ll. 53-55.

So that the issues in this litigation may be properly framed before motions for summary judgment are filed, the parties have submitted a joint designation of 24 patent claim terms to be construed by the Court. See Dkt. Entry No. 133. After extensive

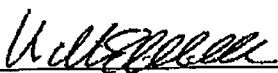
generation of a licensee unique ID. Moreover, to the extent that Microsoft contends that the testimony of one of ordinary skill in the art cannot supplant the total absence of structure from the specification, this Court concludes that this claim term does not present a situation where there is a total absence of structure; as discussed, the '216 Patent discloses as structure software logic and a "platform unique ID generator."

For these reasons, this term shall be construed as follows:
Function: to generate a platform unique ID; Structure: a summation algorithm or a summer and equivalents thereof.

III. Conclusion

With the disputed claim terms construed, the parties shall comply with the briefing schedule as modified by the Court on July 24, 2006.

IT IS SO ORDERED.



William E. Smith
United States District Judge

Date: 8/22/06

Exhibit G

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNILOC USA, INC. and
UNILOC SINGAPORE PRIVATE LIMITED,

Plaintiffs,

v.

NATIONAL INSTRUMENTS, INC., et al.,

Defendants.

Civ. Action No.: 6:10-cv-00472 LED

JURY TRIAL DEMANDED

**ORDER DENYING DEFENDANTS' MOTION TO TRANSFER VENUE
PURSUANT TO 28 U.S.C. § 1404(a)**

Having considered the parties' briefing and arguments in the matter of Defendants' Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a), the Court finds that Defendants' Motion is without merit.

It is therefore ORDERED that Defendants' Motion to Transfer Venue is DENIED.