

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

PERSONAL AUDIO, LLC,

Plaintiff,

v.

XM SATELLITE RADIO, INC.,

Defendants.

CASE NO. 9:10-CV-00035-RC

JURY TRIAL DEMANDED

**DECLARATION OF BENU MEHRA IN SUPPORT
OF XM SATELLITE RADIO INC.'S MOTION
TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)**

I, Benu Mehra, Esq. hereby declare as follows:

1. I am an attorney-at-law of the State of New York and an associate at the law firm of Kramer Levin Naftalis & Frankel LLP, attorney for Sirius XM Radio Inc. (“Sirius”) in the above-captioned matter.
2. I submit this Declaration in support of XM Satellite Radio Inc.’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6).
3. I have personal knowledge of the facts set forth in this declaration and am competent to testify as to all matters stated.
4. Attached as Exhibit A is a true and correct copy of Personal Audio, LLC’s Motion For Leave To Add XM Satellite Radio Inc. As A Party, Or In The Alternative To Consolidate, with declaration, exhibits and proposed order, dated April 16, 2010, filed as Docket Number 105 in Civil Action No. 9:09-CV-111 (the “Sirius Action”).
5. Attached as Exhibit B is a true and correct copy of Sirius’ Opposition To Personal Audio’s Motion For Leave To Add XM Satellite Radio Inc. As A Party Or In

These attachments will be filed upon the Court's ruling on XM's motion to seal which will be filed separately.