

EXHIBIT D

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION
4

5 TIVO INC.,

6 Plaintiff,

7 v.

Case No. 2:09-CV-0259-DF

8 AT&T INC.,

9 Defendant,

10 and

11 MICROSOFT CORPORATION,

12 Intervenor.

13 **MICROSOFT CORPORATION'S FIRST SUPPLEMENTAL**
14 **RULE 26(a) DISCLOSURES**

15 Pursuant to Rules 26(a) and 26(e)(1) of the Federal Rules of Civil Procedure, Intervenor
16 Microsoft Corporation ("Microsoft") makes the following supplemental initial disclosures.
17 Microsoft makes these disclosures on information reasonably and currently available to it, and
18 reserves the right to supplement or amend its disclosures as warranted by further investigation.
19 These disclosures do not constitute a waiver or limitation of any privilege, immunity, or other
20 right of Microsoft, or of any objection that Microsoft has or might have to the admissibility at
21 trial of any of the disclosed information or to testimony of any of the persons listed below.

22 **Individuals Likely to Have Discoverable Information**

23 Microsoft believes that the following individuals are likely to have discoverable
24 information that Microsoft may use to support its claims or defenses. Individuals listed below
25 who are employees or officers of Microsoft are represented by counsel for Microsoft and may be
26 contacted through Microsoft's counsel.
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NAME	SUBJECT MATTER
Jim Baldwin Microsoft Corporation Mountain View, California	Design and operation of Microsoft Mediaroom for client devices
David Alexander Microsoft Corporation Mountain View, California	Design and operation of Microsoft Mediaroom for client devices
David Clancy Microsoft Corporation Mountain View, California	Design and operation of Microsoft Mediaroom for client devices
Alan Merzon Microsoft Corporation Mountain View, California	Design and operation of Microsoft Mediaroom for client devices
Shannon Vosseller Microsoft Corporation Mountain View, California	Design and operation of Microsoft Mediaroom for client devices
Jim Long Microsoft Corporation Mountain View, California	Design and operation of Microsoft Mediaroom for client devices
Ben Huang Microsoft Corporation Mountain View, California	Mediaroom marketing
James M. Barton Los Gatos, California	Named inventor of U.S. Patent Nos. 6,233,389 and 7,529,465
Roderick James McInnis Milpitas, California	Named inventor of U.S. Patent Nos. 6,233,389 and 7,529,465
Alan S. Moskowitz San Francisco, California	Named inventor of U.S. Patent Nos. 6,233,389 and 7,529,465
Andrew Martin Goodman Menlo Park, California	Named inventor of U.S. Patent Nos. 6,233,389 and 7,529,465

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Ching Tong Chow Fremont, California	Named inventor of U.S. Patent Nos. 6,233,389 and 7,529,465
Jean Swey Kao Cupertino, California	Named inventor of U.S. Patent Nos. 6,233,389 and 7,529,465
Michael A. Glenn, Esq. Menlo Park, California	Prosecuting attorney for U.S. Patent No. 6,233,389
Kirk Wong, Esq. San Jose, California	Prosecuting attorney for U.S. Patent Nos. 6,233,389, 7,493,015 and 7,529,465
Wijnan Van Stam Sunnyvale, California	Named inventor of U.S. Patent No. 7,493,015
Robert Vallone Palo Alto, California	Named inventor of U.S. Patent No. 7,493,015
Employees of Sigma Designs, Inc. Milpitas, California	SMP8360 Series processors
Employees of Tektronix (now Grass Valley) Grass Valley, California	Developed PDR-100/200 prior art systems
Robert Ash Redwood Shores, California	Author of "Real-Time Encoding and Feeds in Oracle Video Server 1-3" (1998)
William Bailey Palo Alto, California	Named inventor of U.S. Patent No. 5,805,804
Paul Beard Milpitas, California	Named inventor of U.S. Patent No. 6,172,712
William R. Belknap San Jose, California	Named inventor of U.S. Patent No. 5,603,058
Gilles Boccon-Gibod San Francisco, California	Named inventor of U.S. Patent No. 6,064,794

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Larry W. Fitchett, Morgan Hill, California	Named inventor of U.S. Patent No. 5,603,058
Sean C. Hart San Jose, California	Named inventor of U.S. Patent No. 6,169,843
Brian Johnson San Francisco, California	Named inventor of U.S. Patent No. 6,169,843
Richard A. Lang, Mendocino, California	Named inventor of U.S. Patent No. 7,272,298
Andrew Laursen San Mateo, California	Named inventor of U.S. Patent No. 5,805,804
Michael P. Lenihan Sunnyvale, California	Named inventor of U.S. Patent No. 6,169,843
Christopher Lindblad San Carlos, California	Author of "A Programming System for the Dynamic Manipulation of Temporally Sensitive Data" (8/1994)
Brian Linden Redwood Shores, California	Author of "Oracle Video Server: Introducing the Oracle Video Server" (1998)
Mark Magee Campbell, California	Named inventor of U.S. Patent No. 6,169,843
David L. McLaren Mountain View, California	Named inventor of U.S. Patent No. 6,064,794
Mark Moore Foster City, California	Named inventor of U.S. Patent No. 5,805,804
Farzad Nazem Redwood City, California	Named inventor of U.S. Patent No. 5,805,804
Steven Niemczyk San Francisco, California	"Stream Objects: Dynamically Segmented Scalable Media Over the Internet," (6/11/1996)
Jeffrey C. Olkin Sunnyvale, California	Named inventor of U.S. Patent No. 5,805,804

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Dave Pawson Palo Alto, California	Named inventor of U.S. Patent No. 5,864,682 and U.S. Patent No. 5,805,804
Mark A. Porter Woodside, California	Named inventor of U.S. Patent No. 5,864,682
Matt Prather Redwood Shores, California	Author of "Oracle Video Server: Introducing the Oracle Video Server" (1998)
Aditi Singru San Francisco, California	Author of "Design and analysis of a video-on-demand server," MULTIMEDIA SYSTEMS, Vol. 5, Issue 4, pp. 238-254 (July 1997)
Buddy F. Stansbury San Jose, California	Named inventor of U.S. Patent No. 5,603,058
Shawn V. A. Carnahan Nevada City, California	Named inventor of U.S. Patent No. 5,497,244
David Casper Oregon House, California	Named inventor of U.S. Patent No. 5,574,662
James E. Chargin, Jr. Auburn, California	Named inventor of U.S. Patent No. 5,497,244
Anna Greco Grass Valley, California	Named inventor of U.S. Patent No. 5,574,662
Jerrold Heller Del Mar, California	Named inventor of U.S. Patent No. 6,304,714
Charles Q. Hoard Grass Valley, California	Named inventor of U.S. Patent No. 5,497,244
Edward A. Krause San Diego, California	Named inventor of U.S. Patent No. 6,304,714
Keith A. Merson Auburn, California	Named inventor of U.S. Patent No. 5,497,244
Scott Murray Nevada City, California	Named inventor of U.S. Patent No. 5,574,662

1 2	Paul O'Connor Grass Valley, California	Named inventor of U.S. Patent No. 5,574,662
3 4	Paul Shen San Diego, California	Named inventor of U.S. Patent No. 6,304,714
5 6	Adam S. Tom La Jolla, California	Named inventor of U.S. Patent No. 6,304,714
7 8	Kevin D. Windrem Grass Valley, California	Named inventor of U.S. Patent No. 5,574,662
9 10	Dallas B. Wivholm Grass Valley, California	Named inventor of U.S. Patent No. 5,497,244
11 12	Elaine B. Zamani Nevada City, California	Named inventor of U.S. Patent No. 5,574,662

Relevant Documents

Microsoft may use the following categories of documents to support its declaratory judgment claims. Documents within the following categories that contain confidential information will be produced pursuant to an appropriate protective order entered by the Court in this matter and will be produced subject to Microsoft's objections, such as immunity from discovery under the work product rule or attorney-client privilege.

1. File histories for the 6,233,389, 7,493,015, and 7,529,465 patents (hereinafter "'389, '015, and '465");
2. Evidence, whether or not admitted, and trial or deposition testimony prepared for, used in, or relating to any litigation involving the '389, '015, or '465 patents;
3. References, articles, and other documents constituting or reflecting prior art to the alleged inventions claimed in the '389, '015, '465 patents; and
4. Microsoft information regarding the accused technology.

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Computation of Damages


Microsoft has incurred and will continue to incur attorneys' fees and costs in this action and may pursue reimbursement of such expenses if this case is determined to be exceptional within the meaning of 35 U.S.C. § 285.

Insurance Agreements

Microsoft is unaware of any applicable insurance policies relevant to any judgment that may be entered in this action.

DATED: May 28, 2010.

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2 **CERTIFICATE OF SERVICE**

3 I hereby certify that the counsel identified below are being served this 28th day of May,
4 2010 with a copy of this document by electronic mail.

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