

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MICROSOFT CORPORATION,

Plaintiff,

v.

TIVO INC.,

Defendant.

No. 2:11-cv-00134 RSM

DECLARATION OF PAVEL KOVAR

NOTE ON MOTION CALENDAR:
FRIDAY, MARCH 18, 2011

I, Pavel Kovar, hereby declare as follows:

1. I am currently employed at TiVo Inc., which is located at 2160 Gold St., Alviso, California. I have worked at TiVo since February 19, 2007. If called as a witness I could competently testify to the following based upon my own personal knowledge.

2. I am TiVo's corporate controller. As such, I am responsible for managing the accounting and reporting for all of TiVo. I report to TiVo's chief financial officer, Anna Brunelle. In my position, I am knowledgeable about TiVo's products and services, the location of TiVo's inventory, and the individuals listed on TiVo's payroll.

3. TiVo maintains its principal place of business and headquarters in Alviso, which is in the Northern District of California.

DECLARATION OF PAVEL KOVAR (No. 2:11-cv-00134 RSM) - 1

BYRNES • KELLER • CROMWELL LLP
38TH FLOOR
1000 SECOND AVENUE
SEATTLE, WASHINGTON 98104
(206) 622-2000

4. TiVo currently employs over 500 individuals, and the overwhelming majority of them work at TiVo's Alviso, California, headquarters, including those who oversee technology issues, research and development, and sales and marketing.

5. Almost all of TiVo's documents are centrally maintained at TiVo's California headquarters, including documents relevant to the development and distribution of the software that runs the TiVo products accused of infringement in this case.

6. TiVo also developed the source code of the software that runs the accused TiVo products in Alviso, and TiVo continues to maintain the software there. Technical documents related to the development and operations of this software are stored at TiVo's headquarters.

7. TiVo does not maintain any office or have employees located in the Western District of Washington.

8. TiVo has not developed any product in the Western District of Washington.

9. TiVo does not maintain any documents in Washington.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 1st day of March, 2011 at Alviso, California.

By Pavel Kovar

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Arthur W. Harrigan, Jr.
Christopher Wion
Shane P. Cramer
Danielson Harrigan Leyh & Tollefson LLP
999 Third Avenue, Suite 4400
Seattle, WA 98104
arthurh@dhl.com
chrisw@dhl.com
shanec@dhl.com

Mark Davis
Weil, Gotshal & Manges LLP
1300 Eye Street NW, Suite 900
Washington, DC 20005-3314
Mark.davis@weil.com

Tim DeMasi
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153
Tim.DeMasi@weil.com
Counsel for Microsoft Corporation

/s/ Jofrey M. McWilliam
Jofrey M. McWilliam
1000 Second Avenue, Suite 3800
Seattle, WA 98104-4082
Telephone: (206) 622-2000
Facsimile: (206) 622-2522
Email: jmcwilliam@byrneskeller.com