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1		Hon. Marsha J. Pechman	
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5	UNITED STATES I	DISTRICT COURT	
6	WESTERN DISTRICT OF WASHINGTON AT SEATTLE		
7			
8	INTERVAL LICENSING LLC,	Case No. 2:10-cv-01385-MJP	
9	Plaintiff,		
10	V.	DECLARATION OF DAVINA	
11	AOL, INC.; APPLE, INC.; eBAY, INC.;	INSLEE	
12	FACEBOOK, INC.; GOOGLE INC.; NETFLIX, INC.; OFFICE DEPOT, INC.;	JURY DEMAND	
13 14	OFFICEMAX INC.; STAPLES, INC.; YAHOO! INC.; AND YOUTUBE, LLC,		
15	Defendants.		
16			
17	I, Davina Inslee, am over the age o	f 18, have personal knowledge of all the	
18	facts stated herein and declare as follows:		
19	1. I am IP Counsel at Vulcan In	c. I submit this declaration in support of	
20	Interval Licensing's Opposition to Defendants' Joint Motion to Stay Proceedings		
21	Pending Reexaminations.		
22	2. Vulcan Inc. is a corporation duly organized under the laws of the state		
23	of Washington, with its principal place of business at 505 Fifth Avenue South, Suit		
24	900, Seattle, WA 98104.		
25	3. Vulcan Inc. was founded by	Paul G. Allen, with Jo Lynn Allen, in	
26	1986, to manage his business and charitable endeavors. Its endeavors are far-		
27	ranging and include the creation of innovative technologies.		
28	Declaration of Decise Inclus	Support Codfrey 11.D	
	Declaration of Davina Inslee Case No. 2:10-cv-01385-MJP	Susman Godfrey, LLP 1201 Third Avenue, Suite 3800 Seattle WA 98101-3000	

4. For example, Vulcan Capital, an investment arm of Vulcan Inc., has
 made various investments in dozens of technology companies, including internet
 companies.

5. Plaintiff Interval Licensing LLC ("Interval") is a limited liability
company duly organized under the laws of the state of Washington, with its
principal place of business at 505 Fifth Avenue South, Suit 900, Seattle, WA
98104.

8 6. Interval is a sister company of Vulcan Inc. All of its officers are
9 employees of Vulcan Inc.

10 7. Interval owns a large portfolio of intellectual property developed by
11 Interval Research Corporation ("Interval Research").

12 8. Interval Research was founded in 1992 by Paul Allen and David
13 Liddle to perform advanced research and development in the areas of information
14 systems, communications, and computer science, and commercialize these
15 inventions.

9. Interval Research evolved into a preeminent technology innovation
firm, which, at one point, employed over 110 of the world's leading scientist,
physicists, engineers, artists, and journalists.

19 10. Interval Research developed a large number of technological
20 innovations. After only a decade of its existence, Interval Research had three
21 hundred issued and pending patents.

11. Despite its accomplishments, Interval Research did not succeed
commercially. In 2000, Interval Research laid off the bulk of its staff, and in 2004,
it dissolved.

12. Interval Research's large and diverse intellectual property portfolio is
now owned by Interval. The portfolio included over three hundred patents and
pending applications. Four of these patents are Patents-in-Suit.

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13. I became IP Counsel at Vulcan, Inc. in December 2005. My responsibilities include overseeing the protection, monetization and enforcement of intellectual property owned by Interval and Vulcan.

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14. Since December 2005, I have been involved in due diligence related to Interval's intellectual property as well as those in other related companies, including the prosecution and analysis of the portfolio. During 2006 and 2007, Interval negotiated for the sale of several different groups of its patents, which took substantial additional time and effort.

9 15. In early 2008, I began due diligence on the four patents-in-suit. This
10 due diligence included careful analysis of the patents and identification and
11 retention of consultancies to assist in evaluating the patents. This due diligence
12 included not only the patents-in-suit, but also involved analyzing the other patents
13 within the Interval portfolio as well as those in other portfolios where Vulcan had
14 an interest.

15 16. After completing the time-consuming due diligence process, which 16 took nearly two years, Vulcan decided to try to license and enforce the patents-in-17 suit. Before filing suit, we contacted the Defendants to determine whether they had 18 any interest in a license without having to file suit. Those negotiations led 19 nowhere, and most of the Defendants did not respond to our inquiry. After 20 contacting the Defendants led nowhere, we filed suit in August 2010.

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

24 EXECUTED at Seattle, Washington this __th day of March, 2011.

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> Declaration of Davina Inslee Case No. 2:10-cv-01385-MJP 1507241v1/011873

Davina Inslee

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Susman Godfrey, LLP 1201 Third Avenue, Suite 3800 Seattle WA 98101-3000

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2	CERTIFICATE OF SERVICE	
3		
3	I hereby certify that on March 28, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the	
4	following counsel of record:	2CF system which will send notification of such filling to the
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