

Hon. Marsha J. Pechman

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERVAL LICENSING LLC,

Plaintiff,

v.

AOL, INC.; APPLE, INC.; eBAY, INC.;
FACEBOOK, INC.; GOOGLE INC.;
NETFLIX, INC.; OFFICE DEPOT, INC.;
OFFICEMAX INC.; STAPLES, INC.;
YAHOO! INC.; AND YOUTUBE, LLC,

Defendants.

Case No. 2:10-cv-01385-MJP

**DECLARATION OF DAVINA
INSLEE**

JURY DEMAND

I, Davina Inslee, am over the age of 18, have personal knowledge of all the facts stated herein and declare as follows:

1. I am IP Counsel at Vulcan Inc. I submit this declaration in support of Interval Licensing’s Opposition to Defendants’ Joint Motion to Stay Proceedings Pending Reexaminations.

2. Vulcan Inc. is a corporation 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.

3. Vulcan Inc. was founded by Paul G. Allen, with Jo Lynn Allen, in 1986, to manage his business and charitable endeavors. Its endeavors are far-ranging and include the creation of innovative technologies.

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

4 14. Since December 2005, I have been involved in due diligence related to
5 Interval's intellectual property as well as those in other related companies,
6 including the prosecution and analysis of the portfolio. During 2006 and 2007,
7 Interval negotiated for the sale of several different groups of its patents, which took
8 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.

21
22 I declare under penalty of perjury under the laws of the United States of America
23 that the foregoing is true and correct.

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

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26 _____
27 Davina Inslee

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CERTIFICATE OF SERVICE

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 following counsel of record:

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/s/ Edgar Sargent

Edgar Sargent