

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
FOR THE 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.

Civil Case No. 2:10-CV-01385-MJP

**DECLARATION OF KEVIN
KRAMER IN SUPPORT OF
YAHOO!'S NOTICE OF JOINDER
IN MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM
UPON WHICH RELIEF CAN BE
GRANTED PURSUANT TO FED. R.
CIV. P. 12(B)(6)**

I, Kevin Kramer, declare:

1. I am Vice President, Associate General Counsel, IP Litigation at defendant Yahoo! Inc. ("Yahoo!"). I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently to the matters set forth herein.

2. I am responsible for managing all aspects of Yahoo!'s patent litigation. As part of my responsibilities, when Yahoo! is sued in a patent litigation matter, I make sure that Yahoo! complies with its obligation to preserve relevant documents. In order to perform my duties, I review the complaint to determine what sort of documents and information may be relevant and to assess which people within Yahoo! might possess

1 relevant documents and information. I then oversee the preparation of an appropriate
2 document hold notice to distribute to appropriate Yahoo! employees.


3 3. In reviewing Interval Licensing's complaint, I am unable to determine which
4 Yahoo! products or services may be relevant to the lawsuit. As a result, Yahoo! has not
5 been able to develop an appropriate document hold notice for this case.

6 4. Yahoo! has hundreds of products and services, the vast majority of which
7 involve "websites, hardware, and/or software," the only description in the complaint of
8 Yahoo!'s allegedly infringing products. The complaint's lack of specificity leaves Yahoo!
9 in the dark as to what activity allegedly infringes, and thus which documents and
10 information need to be preserved.

11 5. Attached as Exhibit A to this declaration is a true and correct copy of a letter
12 dated October 6, 2010, sent by Yahoo!'s counsel to counsel for Interval Licensing, asking
13 for additional information as to which Yahoo! products and services are alleged to infringe
14 the asserted patents.

15 6. As of the date of this declaration, Yahoo! has not received a response to its
16 letter.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed on
18 October 21, 2010 in Sunnyvale, California.

19
20 
21 Kevin Kramer