

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.,

Defendant.

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

DECLARATION OF NATHAN J. DAVIS IN SUPPORT OF INTERVAL LICENSING LLC'S OPENING CLAIM CONSTRUCTION BRIEF ('652 AND '314 PATENTS TRACK)

INTERVAL LICENSING LLC,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Case No. 2:11-cv-00708 MJP

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

INTERVAL LICENSING LLC,

Plaintiff,

v.

GOOGLE, INC.,

Defendant.

Case No. 2:11-cv-00711 MJP

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

INTERVAL LICENSING LLC,

Plaintiff,

v.

YAHOO! INC.,

Defendant.

Case No. 2:11-cv-00716 MJP

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

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I, Nathan J. Davis, state and declare as follows:

1. I am an associate at the law firm of Heim, Payne & Chorush, LLP, and serve as counsel for Interval Licensing LLC in the above captioned case. I am over twenty-one years of age and not under any legal disability. I have personal knowledge of the attached documents and, if called as a witness, could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of a chart that sets forth the agreed and disputed terms for the '652 and '314 patents track. The redlines reflect the new term on which the parties reached agreement and the modifications to Interval's proposed constructions that were made since the parties filed the Joint Claim Chart (Docket No. 241, Ex. 3).

3. Attached hereto as Exhibit B is a true and correct copy of a July 9, 1998 Response to Office Action filed during prosecution of the '652 patent. This is a highlighted version of the exhibit that appears at Docket No. 241, Ex. C-1.

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from Webster's New World Collegiate Dictionary, 4th ed. (2010).

5. Attached hereto as Exhibit D is a true and correct copy of an October 28, 2003 Response to Office Action filed during prosecution of the '314 patent. This is a highlighted version of the exhibit that appears at Docket No. 241, Ex. D-1.

6. Attached hereto as Exhibit E is a true and correct copy of a June 14, 1999 Response to Office Action filed during prosecution of the '652 patent. This is a highlighted version of the exhibit that appears at Docket No. 241, Ex. C-1.

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 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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By: /s/ Matthew R. Berry
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