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,		Hon. Marsha J. Pechman
	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON	
AT SEATTLE		ATTLE
	INTERVAL LICENSING LLC,	G N 2 10 01205 NVD
	Plaintiff,	Case No. 2:10-cv-01385-MJP
	v.	DECLARATION OF NATHAN J. DAVIS IN SUPPORT OF INTERVAL
	AOL, INC.,	LICENSING LLC'S OPENING CLAIM CONSTRUCTION BRIEF
	Defendant.	('652 AND '314 PATENTS TRACK)
	INTERVAL LICENSING LLC,	
	Plaintiff,	Case No. 2:11-cv-00708 MJP
	v.	Lead Case No. 2:10-cv-01385-MJP
	APPLE, INC.,	
	Defendant.	
	NTERVAL LICENSING LLC,	
	Plaintiff,	Case No. 2:11-cv-00711 MJP
	v.	Lead Case No. 2:10-cv-01385-MJP
	GOOGLE, INC.,	
	Defendant.	
	INTERVAL LICENSING LLC,	
	Plaintiff,	Case No. 2:11-cv-00716 MJP
	v.	Lead Case No. 2:10-cv-01385-MJP
	YAHOO! INC.,	
	Defendant.	
	DECLARATION OF NATHAN J. DAVIS IN SUPPORT OF	Susman Godfrey LLP
	INTERVAL LICENSING LLC'S OPENING CLAIM CONSTRUCTION BRIEF Case No. 2:10-cy-01385-MIP	1201 Third Avenue, Suite 3800 Seattle WA 98101-3000

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DECLARATION OF NATHAN J. DAVIS IN SUPPORT OF INTERVAL LICENSING LLC'S OPENING CLAIM CONSTRUCTION BRIEF Case No. 2:10-cv-01385-MJP 1588385v1/011873

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, 4<sup>th</sup> 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.

1	7. Attached hereto as Exhibit F is a true and correct copy of a declaration filed by		
2	Philippe Piernot during prosecution of the '652 patent. This is a highlighted version of the exhibit		
3	that appears at Docket No. 241, Ex. C-1.		
4 5	8. Attached hereto as Exhibit G is a true and correct copy of an Office Action issued		
6	on June 25, 2003, during prosecution of the '314 patent. This is a highlighted version of the		
7	exhibit that appears at Docket No. 241, Ex. D-1.		
8	9. Attached hereto as Exhibit H is a true and correct copy of an Office Action issued		
9	on February 14, 2003, during prosecution of the '314 patent. This is a highlighted version of the		
10	exhibit that appears at Docket No. 241, Ex. D-1.		
11	I declare under penalty of perjury under the laws of the United States that the foregoing is		
12	true and correct and that this declaration was executed in Houston, Texas on June 16, 2011.		
13	true and correct and that this declaration was executed in Houston, Texas on June 10, 2011.		
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15	<u>/s/ Nathan J. Davis</u> Nathan J. Davis		
16	Attorney for Plaintiff Interval Licensing LLC		
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28	DECLARATION OF NATHAN J. DAVIS IN SUPPORT OF Susman Godfrey LLP		

1 2 **CERTIFICATE OF SERVICE** 3 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 4 counsel of record: 5 **Attorneys for AOL, Inc.** 6 Cortney Alexander cortney.alexander@finnegan.com robert.burns@finnegan.com Robert Burns 7 elliot.cook@finnegan.com Elliot Cook gerald.ivey@finnegan.com Gerald Ivey 8 scott.johnson@stokeslaw.com Scott Johnson 9 Molly Terwilliger mollyt@summitlaw.com 10 **Attorneys for Apple, Inc.** David Almeling dalmeling@omm.com 11 Brian Berliner bberliner@omm.com grilev@omm.com George Riley 12 Jeremy Roller jroller@yarmuth.com wilsdon@yarmuth.com Scott Wilsdon 13 Neil Yang nyang@omm.com 14 Xin-Yi Zhou vzhou@omm.com 15 Attorneys for eBay, Inc. Chris Carraway chris.carraway@klarquist.com 16 Kristin Cleveland Kristin.cleveland@klarquist.com Klaus.hamm@klarquist.com 17 Klaus Hamm Arthur Harrigan, Jr. arthurh@dhlt.com 18 Jeffrey Love Jeffrey.love@klarquist.com Derrick Toddy derrick.toddy@klarquist.com 19 John Vandenberg john.vandenberg@klarquist.com Christopher Wion chrisw@dhlt.com 20 Attorneys for Facebook, Inc. 21 Chris Durbin cdurbin@cooley.com 22 hkeefe@cooley.com Heidi Keefe spala@cooley.com Sudhir Pala 23 Michael Rhodes mrhodes@cooley.com lstameshkin@cooley.com Elizabeth Stameshkin 24 mweinstein@cooley.com Mark Weinstein 25 Attorneys for Google, Inc. Aaron Chase 26 achase@whitecase.com ddrivas@whitecase.com **Dimitrios Drivas** 27 ihandy@whitecase.com John Handy 28 DECLARATION OF NATHAN J. DAVIS IN SUPPORT OF Susman Godfrey LLP INTERVAL LICENSING LLC'S OPENING CLAIM 1201 Third Avenue, Suite 3800

CONSTRUCTION BRIEF Case No. 2:10-cv-01385-MJP Seattle WA 98101-3000

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28	DECLADATION OF NATIVAL SALVING THE COMPANY	ii
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