

Hon. Marsha J. Pechman

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

INTERVAL LICENSING LLC,  
Plaintiff,

v.

AOL, INC., et al.,  
Defendants.

No. 2:10-CV-01385-MJP  
DECLARATION OF MARK P.  
WALTERS IN SUPPORT OF  
DEFENDANTS' JOINT MOTION TO  
STAY PROCEEDINGS PENDING  
REEXAMINATION  
  
Note on Motion Calendar:  
April 1, 2011  
  
ORAL ARGUMENT REQUESTED

I, Mark P. Walters, pursuant to 28 U.S.C. § 1746, hereby declare that:

1. I am a partner with the law firm of Frommer Lawrence & Haug LLP, which firm represents the Defendant Yahoo! Inc. ("Yahoo!") in this action.
2. I submit this declaration in support of Defendants' Joint Motion to Stay Pending Reexamination.
3. I have personal knowledge of the matters stated herein, and would testify accordingly if called to do so.
4. Attached as Exhibit A hereto is a copy of United States Patent No. 6,263,507 ("the '507 patent"), which is attached to the Plaintiff's First Amended Complaint.
5. Attached as Exhibit B hereto is a copy of United States Patent No. 6,757,682 ("the '682 patent"), which is attached to the Plaintiff's First Amended Complaint.

1           6.       Attached as Exhibit C hereto is a copy of United States Patent No. 6,034,652  
2 (“the ’652 patent”), which is attached to the Plaintiff’s First Amended Complaint.

3           7.       Attached as Exhibit D hereto is a copy of United States Patent No. 6,788,314  
4 (“the ’314 patent”), which is attached to the Plaintiff’s First Amended Complaint.

5           8.       Attached as Exhibit E hereto is a true and correct copy of the Request for *Ex*  
6 *Parte* Reexamination and Detailed Statement in Support as to the ’507 patent (without  
7 exhibits), which was filed with the United States Patent and Trademark Office (“USPTO”) on  
8 March 17, 2011.

9           9.       Attached as Exhibit F hereto is a true and correct copy of the Request for *Inter*  
10 *Partes* Reexamination and Detailed Statement in Support as to the ’682 patent (without  
11 exhibits), which was filed with the United States Patent and Trademark Office (“USPTO”) on  
12 March 16, 2011.

13          10.       Attached as Exhibit G hereto is a true and correct copy of the Request for *Ex*  
14 *Parte* Reexamination and Detailed Statement in Support as to the ’652 patent (without  
15 exhibits), which was filed with the United States Patent and Trademark Office (“USPTO”) on  
16 March 16, 2011.

17          11.       Attached as Exhibit H hereto is a true and correct copy of the Request for *Inter*  
18 *Partes* Reexamination and Detailed Statement in Support as to the ’314 patent (without  
19 exhibits), which was filed with the United States Patent and Trademark Office (“USPTO”) on  
20 March 16, 2011.

21          12.       As of the date of this declaration, the USPTO has not ruled on any of the  
22 pending Requests for Reexamination.

23          13.       Attached as Exhibit I hereto is a true and correct copy of the *Ex Parte*  
24 Reexamination Filing Data (Dec. 31, 2010), which is publicly available through the USPTO’s  
25 website, at [http://www.uspto.gov/patents/stats/EP\\_quarterly\\_report\\_Dec\\_2010.pdf](http://www.uspto.gov/patents/stats/EP_quarterly_report_Dec_2010.pdf) (last visited  
26 Mar. 17, 2011).

27          14.       Attached as Exhibit J hereto is a true and correct copy of the *Inter Partes*  
28 Reexamination Filing Data (Dec. 31, 2010), which is publicly available through the USPTO’s

1 website, at [http://www.uspto.gov/patents/stats/IP\\_quarterly\\_report\\_Dec\\_2010.pdf](http://www.uspto.gov/patents/stats/IP_quarterly_report_Dec_2010.pdf) (last visited  
2 Mar. 17, 2011).

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Executed on March 17, 2011.

5 By: s/ Mark P. Walters

6 Mark P. Walters (WSBA #30819)

7 Dario A. Machleidt (WSBA #41860)

8 FROMMER LAWRENCE & HAUG LLP

9 1191 Second Avenue Suite 2000

10 Seattle, WA 98101

11 Tel: 206-336-5684

12 Fax: 212-588-0500

13 E-mail: MWalters@flhlaw.com

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 17, 2011, I electronically filed the foregoing with the  
3 Clerk of the Court using the CM/ECF system which will send notification of such filing to the  
4 following counsel of record:

5  
6 **Attorneys for Plaintiff Interval Licensing LLC**

7 Justin A. Nelson (jnelson@susmangodfrey.com)  
8 Eric J. Enger (eenger@hpcllp.com)  
9 Matthew R. Berry (mberry@susmangodfrey.com)  
10 Max L. Tribble (mtribble@susmangodfrey.com)  
11 Michael F. Heim (mheim@hpcllp.com)  
12 Nathan J. Davis (ndavis@hpcllp.com)  
13 Edgar G. Sargent (esargent@susmangodfrey.com)

14 DATED: March 17, 2011

15 s/ Mark P. Walters

16 Mark P. Walters, WSBA No. 30819  
17 Dario A. Machleidt, WSBA No. 41860  
18 FROMMER LAWRENCE & HAUG LLP  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28