

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SOLOCRON MEDIA, LLC,

Plaintiff,

v.

VERIZON COMMUNICATIONS INC., CELLCO
PARTNERSHIP D/B/A VERIZON WIRELESS,
AT&T MOBILITY LLC, SPRINT SPECTRUM L.P.,
AND T-MOBILE USA, INC.,

Defendants.

Case No. 2:13-cv-1059-JRG

[JURY TRIAL DEMANDED]

DECLARATION OF ERIN FLAUCHER

I, Erin Flaucher, do hereby declare that I am over twenty-one years of age and have personal knowledge of the facts declared herein:

1. I am a Paralegal employed by Microsoft Corporation (“Microsoft”) located at One Microsoft Way, Redmond, WA 98052. I have been employed by Microsoft since October 2009.

2. I make this declaration for the purpose of confirming the business records of certain products and authenticating certain documents. The facts set forth in this Declaration are based upon information provided to me. I am competent to testify to all matters stated, and if called upon to do so, I would testify to the facts set forth in this Declaration.

3. To the best of my knowledge, the Nokia 3510 Phone (“the 3510

Product”) was introduced to the public on March 12, 2002. Nokia issued at least one press release at that time detailing the 3510 Product’s features. A true and correct copy of a press release dated March 12, 2002 is attached to this Declaration as Exhibit A.

4. The 3510 Product was first released to the public for sale in May, 2002, when Nokia began shipping the 3510 Product as shown in Exhibit B. Exhibit B is a sales report for the 3510 Product showing sold units in 2002. Exhibit B is a true and correct copy of the original report that was retrieved from Microsoft Mobile Oy’s databases. Microsoft Mobile Oy is an indirect subsidiary of Microsoft Corporation.

5. Exhibit B accurately reflects the information kept by Microsoft Mobile Oy in the regular course of business and was recorded at or near the time of transactions by employees or representatives of the predecessor of Microsoft Mobile Oy (which was Nokia Corporation (“Nokia”)) with knowledge. It is the regular practice of Microsoft Mobile Oy’s business to keep such records, and current employees of Microsoft Mobile Oy who were formerly employees of the predecessor Nokia Corporation confirmed that it was the regular practice of Nokia Corporation’s business to keep such records.

6. Exhibit C is a copy of a User’s Guide for the 3510 Product which was retrieved from Nokia’s records. Exhibit C shows a product code of 9354276. It is

my understanding based upon information from the Microsoft Mobile Oy Product Lifecycle Capability Organization, which maintains certain records on products that as part of the release and sale of the 3510 Product, Nokia created at least nine sales packages that included the User Guide with a product code of 9354276 which were all released between January 2002 and August 20, 2002. Those sales packages are listed in Exhibit D.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the __ day of November 2014, in the United States of America.



Erin Flaucher

List of Exhibits:

- Exhibit A March 12, 2002 Press Release on 3510 Product
- Exhibit B sales report for the 3510 Product
- Exhibit C 3510 Users Guide with product code 9354276
- Exhibit D Listing of Nokia sales packages that included Users Guide 9354276

Exhibit A

THE NOKIA 3510 BRINGS GPRS AND POLYPHONIC SOUNDS TO THE CONSUMER MARKET

12 March, 2002

Nokia today introduced the Nokia 3510, its first expression category phone with GPRS, polyphonic (MIDI) sounds and Value Added Services (VAS) over Multimedia Messaging Service (MMS) capability. VAS over MMS brings new dimensions to personal communications with the possibility to receive rich value added services like screen savers and polyphonic ring tones. Shipments are expected to begin in the second quarter, 2002 in Europe, Africa and Asia Pacific.

"We believe that the Nokia 3510 will have wide consumer appeal with its attractive feature set and hip design. The polyphonic tones dramatically improves the sound quality, be it melodious sounds for ring tones, alerts or game sounds. With several cover options and an extensive service offering, the Nokia 3510 can be transformed into the most personal and useful device," said Juha Pinomaa, Vice President, Marketing, Nokia Mobile Phones.

WAP over GPRS offers a convenient and fast connection to mobile services and allows the user to concentrate on the task at hand rather than having to worry about the technology used. With many easy to use applications, the user is able to personalize the Nokia 3510 and download fun, new content.

Polyphonic MIDI ringtones offer a new, high-quality sound experience for the users of the Nokia 3510. MIDI sounds and traditional ring tones can also be used as personal ring tones and SMS alert tones. The Nokia 3510 has 15 preloaded MIDI ring tones and 4 MIDI alert tones, in addition to traditional ring tones. Additional polyphonic ring tones can be downloaded from Club Nokia or received over MMS.

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