

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

B.E. TECHNOLOGY, L.L.C.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:12-cv-2829 JPM tmp
)	
MICROSOFT CORPORATION,)	
)	
Defendant.)	

DECLARATION OF LEERON G. KALAY IN SUPPORT OF MICROSOFT CORPORATION'S OPPOSITION TO B.E. TECHNOLOGY LLC'S MOTION TO DISMISS UNDER FED. R. CIV. P. 12(B)(6) AND MOTION TO STRIKE UNDER FED. R.CIV.P. 12(F)

I, Leeron G. Kalay, declare:

1. I am an attorney with Fish & Richardson P.C., counsel of record in this action for Defendant, Microsoft Corporation. ("Microsoft"). I am a member of the Bar of the State of California. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. On Friday, October 19, 2012, in response to Microsoft's request for more specific allegations before Microsoft's answer to the Complaint was due, counsel for B.E. Technology LLC ("B.E.") left a voicemail indicating that B.E. is accusing "for the '314 Microsoft AdCenter and for the '290 Xbox 360." On Monday, October 22, 2012, Microsoft reiterated its request for more detailed allegations.

3. On November 19, 2012, I met and conferred with counsel for B.E. Technology LLC ("B.E."), and again asked for more specific allegations before Microsoft's answer to the

Complaint was due. B.E.'s counsel conveyed that B.E. is accusing Microsoft's "AdCenter," as well as the "app store" for the Microsoft Xbox 360 console and Surface. B.E. would not provide more detailed allegations until the Infringement Contention deadline set forth in the Patent Local Rules.

4. Attached as Exhibit A is a true and correct copy of B.E. Technology's Initial Infringement Contention, served on January 7, 2013.

5. Attached as Exhibit B is a true and correct copy of a February 1, 2013 letter from Leeron Kalay to Craig Kaufman.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 29th day of July, 2013 at Redwood City, California.



Leeron G. Kalay

EXHIBIT A

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

B.E. TECHNOLOGY, L.L.C.,)	
)	
Plaintiff,)	
)	Case No. 2:12-cv-2829 JPM-tmp
v.)	
)	JURY DEMAND
MICROSOFT CORPORATION,)	
)	
Defendant.)	
)	
)	

**INITIAL INFRINGEMENT CONTENTIONS AND DOCUMENT PRODUCTION
ACCOMPANYING INITIAL INFRINGEMENT CONTENTIONS**

Plaintiff B.E. Technology, L.L.C. (“Plaintiff” or “B.E.”) hereby submits to Defendant Microsoft Corporation (“Defendant” or “Microsoft”) its Initial Infringement Contentions and Document Production Accompanying Initial Infringement Contentions pursuant to Local Patent Rules 3.1 and 3.2.

Plaintiff makes these contentions based upon information reasonably available to it as of this date. Plaintiff has not completed its preparation of this matter for trial and discovery has not yet begun. Because Plaintiff’s investigations are ongoing and discovery is not yet complete, Plaintiff reserves the right to amend, modify, supplement, or narrow any portion of its asserted claims and infringement contentions, including, but not limited to, the identification of the claims infringed by Defendant and of the products and/or services accused of infringement. In particular, B.E. reserves the right to supplement its contentions as necessary and in accordance with this Court’s Local Rules in light of Defendant’s future document production, interrogatory answers, admissions, disclosures, fact witness testimony expert witness evidence, additional discovery, future rulings from the Court, any amendments to the pleadings, any additional items

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