

4. Mr. Edward Fischer represented to me in a telephone call that he had not retained copies of the prior art TOY/PAN source code after producing it in the prior litigation, because he was afraid of repercussions from Mr. Marlowe.
5. Attached as **Exhibit 22** is a true and correct copy of an Order Dismissing Case with Prejudice in *Marlowe Patent Holdings LLC, v. Ford Motor Company*, 3:11-cv-07044-PGS-DEA (D. NJ) dated June 1, 2015.

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

Dated: August 18, 2016



John F. Rabena