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Attorneys for Plaintiff
Healthcare Advocates, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

HEALTHCARE ADVOCATES, INC.,

Plaintiff,

v.

HARDING, EARLEY, FOLLMER &
FRAILEY; JOHN F.A. EARLEY, III,
CHARLES L. RIDDLE, FRANK J. BONINI,
JR., KIMBERLY TITUS, and JOHN DOES
1-5,

Defendants.

Civil Action No. 05-3524

Hon. Robert F. Kelly

DECLARATION OF KEVIN FLYNN

I, Kevin Flynn, declare pursuant to 28 U.S.C. §1746 and under the penalty of perjury of the laws of the United States of America that the following is true and correct to the best of my knowledge:

1. I am the President of Healthcare Advocates, Inc. (“HCA”), the plaintiff in this case. I make this Declaration in support of Healthcare Advocates, Inc.’s Motion for Summary Judgment.

2. In or about August 1998, I created the Internet website www.healthcareadvocates.com (the “Healthcare Advocates Website”) which has been in continuous existence since that time.

3. The text and graphics comprising the Healthcare Advocates Website from its inception in or about August 1998 through July 2003 is creative and original and constitutes an original work of authorship independently created by me in my capacity as an employee of Healthcare Advocates as a work for hire.

4. On February 28, 2003 and March 26, 2003, I secured copyright registrations for the content of the Healthcare Advocates Website dating back to 1998 (U.S. Reg. Nos. TX 5-727-863, TX 5-701-306 and TX 5-786-560)(the “Copyright Registrations”).

5. I did not have the assistance of legal counsel in filling out the three forms for the Copyright Registrations and, in each one, mistakenly (a) listed myself rather than Healthcare Advocates as the author; (b) signified that the website content was not a work made for hire when, in fact, it was a work made for hire; and (c) transferred ownership of the rights of copyright from myself to Healthcare Advocates.

6. Since the initial creation of the text and graphics comprising the Healthcare Advocates Website, I had always intended that the rights of copyright in the content of the Healthcare Advocates Website be owned by Healthcare Advocates.

7. On November 15, 2006, I submitted to the Copyright Office Forms CA to correct these mistakes in each of the Copyright Registrations, and the effective dates of supplementary registration for the Copyright Registrations is November 17, 2006 (U.S. Reg. Nos. TX-6452-052, TX-6452-053 and TX-6452-054). Those supplemental registrations are attached hereto as Exhibit A.

8. The content of the Healthcare Advocates Website was marked with a copyright notice at all times, both when it was first published on the Healthcare Advocates Website and in the versions in the digital collection of Internet Archive protected from public access by the robots.txt exclusion.

Executed this 26th day of February, 2007, at Philadelphia, Pennsylvania.



KEVIN FLYNN