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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NATHAN MYHRVOLD,

Plaintiff,

v.

LODSYS, LLC, ELECTRONIC ARTS, INC.,  
and ROVIO ENTERTAINMENT, LTD.

Defendants.

Civil Action No.

DECLARATION OF RYAN WARD IN  
SUPPORT OF MOTION FOR PROTECTIVE  
ORDER

I, Ryan Ward, declare as follows:

1. I am an attorney at the law firm of IRELL & MANELLA<sup>LLP</sup>, counsel for Dr. Nathan Myhrvold (“Dr. Myhrvold”). I am a member in good standing of the State Bar of California. My application to appear *pro hac vice* on behalf of Dr. Myhrvold in the United States District Court for the Western District of Washington is currently pending. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath. I make this declaration in support of Nathan Myhrvold’s motion for protective order.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Protective Order in *Lodsys LLC, et al. v. Brother Int’l Corp., et al.*, Case No. 2:11-cv-90 (E.D. Tex.) and *Lodsys Group, LLC v. Combay, Inc., et al.*, Case No. 2:11-cv-272 (E.D. Tex.) (together, the “Cases”).

DECLARATION OF RYAN WARD IN SUPPORT OF  
MOTION FOR PROTECTIVE ORDER- 1

Civil Action No.  
INVL-6-1002 P01 MPO

LOWE GRAHAM JONES<sup>PLLC</sup>



701 Fifth Avenue, Suite 4800  
Seattle, Washington 98104  
206.381.3300 • F: 206.381.3301

1           3.       Attached hereto as Exhibit 2 is a true and correct copy of Lodsys Group LLC's  
2 ("Lodsys") document subpoena to Intellectual Ventures ("IV") dated October 25, 2012.

3           4.       Attached hereto as Exhibit 3 is a true and correct copy of Lodsys' deposition  
4 subpoena to IV dated October 25, 2012.

5           5.       Attached hereto as Exhibit 4 is a true and correct copy of Lodsys' deposition  
6 subpoena to Nathan Myhrvold dated October 25, 2012.

7           6.       On November 5, 2012, Chris Huck, counsel for Lodsys agreed to take  
8 Dr. Myhrvold's deposition off calendar and work with me to reschedule on a mutually agreeable  
9 date. Attached hereto as Exhibit 5 is a true and correct copy of Mr. Huck's email. On many  
10 occasions, I spoke with Mr. Huck about Dr. Myhrvold's intention to file a petition for protective  
11 order if Lodsys insisted on taking his deposition.

12           7.       Attached hereto as Exhibit 6 is a true and correct copy of Electronic Arts Inc. and  
13 Rovio Entertainment, Ltd.'s (Collectively "Electronic Arts") deposition subpoena to Nathan  
14 Myhrvold dated March 21, 2013.


15           8.       On April 18, 2013, Lodsys and Electronic Arts agreed to reschedule  
16 Dr. Myhrvold's deposition for June 18, 2013. Attached hereto as Exhibit 7 is a true and correct  
17 copy of an email chain confirming this date change.

18           9.       On June 5, 2013, I spoke with Mr. Huck about Dr. Myhrvold's deposition.  
19 Mr. Huck informed me that Lodsys planned to go forward with Dr. Myhrvold's deposition. I  
20 asked Mr. Huck why Lodsys required a deposition of Dr. Myhrvold in light of the document  
21 productions and 30(b)(6) deposition of Mr. Detkin. I informed him that this information was  
22 necessary for Dr. Myhrvold's Petition for Protective Order. Mr. Huck gave the following three  
23 reasons: (1) the email with beginning Bates IV-LODSYS000347 was sent from Dr. Myhrvold's  
24 email account and Lodsys should be allowed to question him about this email; (2) Lodsys  
25 believes Dr. Myhrvold had conversations with Bill Gates regarding the scope of nonparty  
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DECLARATION OF RYAN WARD IN SUPPORT OF  
MOTION FOR PROTECTIVE ORDER- 2

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1 Microsoft's license with IV; and (3) acquisition of the Patents by IV would have required Dr.  
2 Myhrvold's approval and Lodslys should be allowed to question him about this.

3 10. On June 5, 2013, after my earlier call, I spoke with Mr. Huck and Shawn Liu,  
4 counsel for Electronic Arts, separately about rescheduling Dr. Myhrvold's deposition from  
5 June 18, 2013 to July 26, 2013. Mr. Huck agreed to such an extension. Mr. Liu tentatively agreed  
6 to the extension, but later withdrew this agreement. Attached hereto as Exhibit 8 is a true and  
7 correct copy of Mr. Huck's email to all parties in the Cases about rescheduling Dr. Myhrvold's  
8 deposition.

9 11. From June 5 to June 11, 2013, I spoke with Mr. Liu and Jonathan Sanders,  
10 counsel for Apple, on a regular basis about rescheduling Dr. Myhrvold's deposition for July 26,  
11 2013. At the close of business on June 11, 2013, Mr. Sanders informed me that Apple would  
12 oppose any motion to reschedule Dr. Myhrvold's deposition. Mr. Liu informed me that  
13 Electronic Arts would also oppose such a motion.

14 12. On June 6, 2013, I spoke with Mr. Liu and Mr. Huck about Dr. Myhrvold's  
15 anticipated Motion for Protective Order in light of the parties' then-ongoing good faith  
16 negotiations to reschedule the deposition date, and both Lodslys and Electronic Arts agreed not to  
17 oppose the timing of such a motion.


18 13. On June 11, 2013, I met and conferred with Mr. Huck about Dr. Myhrvold's  
19 motion for protective order. Mr. Huck informed me that Lodslys would oppose such a motion.

20 14. On June 11, 2013, I met and conferred with Mr. Liu about Dr. Myhrvold's Motion  
21 for Protective Order. Mr. Liu informed me that Electronic Arts do not oppose such motion.  
22 Mr. Liu told me that Electronic Arts have no interest in taking Dr. Myhrvold's deposition if  
23 Lodslys does not do so. Electronic Arts noticed their deposition of Dr. Myhrvold to ensure that  
24 they would have equal time to ask questions if such a deposition were to occur.  
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DECLARATION OF RYAN WARD IN SUPPORT OF  
MOTION FOR PROTECTIVE ORDER- 3

Civil Action No.  
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1           15.    On June 12, 2013, Mr. Liu agreed not to pursue Dr. Myhrvold's deposition  
2 pending the resolution of Dr. Myhrvold's Motion for Protective Order. On June 13, 2013,  
3 Mr. Huck agreed to the same. Attached hereto as Exhibit 9 is a true and correct copy of an email  
4 I received from Mr. Huck on June 13, 2013, which also contains Mr. Liu's June 12, 2013 email  
5 referenced above.

6           16.    On June 13, 2013, Dr. Myhrvold attempted in good faith to enter a stipulation  
7 with Lodsys and Electronic Arts allowing Dr. Myhrvold's motion for protective order to be filed  
8 under seal because it contained various excerpts of Peter Detkin's deposition, which was  
9 designated Highly Confidential Attorney's Eyes Only subject to the parties' Protective Order in  
10 the Cases, and other confidential business information. Electronic Arts stipulated that IV could  
11 file under seal. Lodsys did not stipulate to such a filing. Attached hereto as Exhibit 10 is a true  
12 and correct copy of an email from Mr. Huck dated June 13, 2013, which also contains Mr. Liu's  
13 response stipulating to IV's request.


14           17.    On June 14, 2013, I spoke with Mr. Huck about Dr. Myhrvold's motion to seal.  
15 I informed Mr. Huck that we would only be sealing one exhibit to the motion, which contained  
16 various excerpts from Peter Detkin's deposition. I explained that these excerpts reveal  
17 confidential business information about IV's business transactions and methodologies, and that  
18 forcing a nonparty to publicly reveal this information, which it only produced subject to a  
19 protective order, would be harmful to the business and personal interests of Dr. Myhrvold and  
20 his company IV. Mr. Huck and I were unable to reach an agreement on the need to file the  
21 document under seal, or any other alternatives to filing under seal. Mr. Huck informed me that he  
22 would reassess whether Lodsys opposes the Motion to Seal after Dr. Myhrvold's motion is filed.

23           18.    Attached hereto as Exhibit 11 are true and correct copies of excerpts of the  
24 Rule 30(b)(6) deposition of Peter Detkin taken on April 4, 2013.

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DECLARATION OF RYAN WARD IN SUPPORT OF  
MOTION FOR PROTECTIVE ORDER- 4

Civil Action No.  
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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

3 EXECUTED on June 14, 2013, at Los Angeles, California.

4 s/Ryan Ward, CABA No. 278,699  
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DECLARATION OF RYAN WARD IN SUPPORT OF  
MOTION FOR PROTECTIVE ORDER- 5

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**CERTIFICATE OF SERVICE**

I certify that on June 14, 2013, the foregoing was served via email and hand delivery to:

Michael A. Goldfarb  
Christopher M. Huck  
KELLEY, GOLDFARB HUCK & ROTH, PLLC  
700 Fifth Avenue, Suite 6100  
Seattle, Washington 98104  
*Counsel for Lodsys, LCC.*

I certify that on June 14, 2013, the foregoing was served via email and overnight mail to:

Shawn Liu  
GIBSON DUNN  
1881 Page Mill Road  
Palo Alto, CA 94304-1211  
*Counsel for Defendants Electronic Arts, Inc  
and Rovio Entertainment, LTD.*

s/Caitlin Blazier Kavanagh

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DECLARATION OF RYAN WARD IN SUPPORT OF  
MOTION FOR PROTECTIVE ORDER- 6

Civil Action No.  
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