IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TV GUIDE ONLINE, INC. and TV GUIDE ONLINE, LLC Plaintiffs, Counterclaim-Defendants, v. TRIBUNE MEDIA SERVICES, INC. Defendants, Counterclaim-Plaintiffs	C.A. No. 05-cv-725-*** REDACTED PUBLIC VERSION

AFFIDAVIT OF J. TIPTON COLE IN SUPPORT OF TV GUIDE ONLINE'S OPENING CLAIM CONSTRUCTION BRIEF AND MEMORANDUM IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT THAT TMS INFRINGES CLAIMS 1-8 AND 10 OF THE '078 PATENT

OF COUNSEL:

Robert C. Morgan
Christopher J. Harnett
Ching-Lee Fukuda
Stuart W. Yothers
Ropes &Gray LLP
1211 Avenue of the Americas
New York, New York 10036
(212) 596-9000

Ronald E. Naves, Jr.
Jeffrey A. Fehervari
Vladamir V. Radovanov
Gemstar-TV Guide International, Inc.
6922 Hollywood Blvd.
Hollywood, California 90028
(323) 817-4600

Frederick L. Cottrell, III (#2555)
Jeffrey L. Moyer (#3309)
Steven J. Fineman (#4025)
Richards, Layton & Finger PA
One Rodney Square
920 North King Street
Wilmington, Delaware 19801
Telephone: (302) 651-7700
cottrell@rlf.com
moyer@rlf.com
fineman@rlf.com

Attorneys for Plaintiffs TV Guide Online, Inc. and TV Guide Online, LLC

October 5, 2007

AFFIDAVIT OF J. TIPTON COLE IN SUPPORT OF TV GUIDE ONLINE'S OPENING CLAIM CONSTRUCTION BRIEF AND MEMORANDUM IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT THAT TMS INFRINGES CLAIMS 1-8 AND 10 OF THE '078 PATENT

State of TEXAS)
) ss:
County of TRAVIS)

J. Tipton Cole, being duly sworn, hereby deposes and says as follows:

1. I have been retained by counsel for plaintiffs and counterclaim defendants TV Guide Online, Inc. and TV Guide Online, LLC (collectively, "TV Guide Online") to serve as an expert consultant in this action. I submit this affidavit in support of TV Guide Online's Opening Claim Construction Brief and Memorandum in Support of Its Motion for Summary Judgment that TMS Infringes Claims 1-8 and 10 of the '078 Patent.

2. On December 15, 2006, February 9, 2007, and February 28, 2007, I submitted an expert report, a rebuttal expert report, and a supplemental expert report pursuant to Rule 26(a)(2)(B), Fed. R. Civ. P. In those reports, I set forth my opinion that TMS's accused Zap2it.com product (including its "affiliate sites") infringes the asserted claims of the '078 patent and that the '078 patent is not invalid.

3. Attached hereto as **Exhibit A** is a true and correct copy of my Expert Report of J. Tipton Cole Concerning Infringement, dated December 15, 2006.

4. Attached hereto as **Exhibit B** is a true and correct copy of my Rebuttal Expert Report of J. Tipton Cole Concerning Validity, dated February 9, 2007.

5. Attached hereto as **Exhibit C** is a true and correct copy of my Supplemental Expert Report of J. Tipton Cole Concerning Infringement and Validity, dated February 28, 2007.

6. I reviewed the transcript of Dr. Gary S. Tjaden's June 15, 2007 deposition,

REDACTED

7. Use of a sessionID by a web server to manage a continuing connection with each browser user is a standard operation of web servers. This is well-known in the art.

8. Attached hereto as **Exhibit D** is a true and correct copy of a printout of the "View Source" results from a current view of the Zap2it.com website. This printout shows that Zap2it.com establishes and uses a browser session for communication between Zap2it.com's servers and its users. REDACTED

I swear under penalty of perjury that the foregoing is correct to the best of my knowledge.

Dated: October 3, 2007

J. Tipton Cole

Subscribed and sworn to before me on this 3rd day of October, 2007. My commission expires on 6-22-2011.

[Seal]

TERESA ROWAN
Notary Public, State of Texas
My Comm. Expires June 22, 2011

Teresa Rowan

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

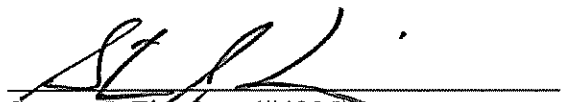
CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2007, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

Richard K. Herrmann, Esquire
Mary B. Matterer, Esquire
Morris James, LLP
500 Delaware Avenue
Suite 1500
Wilmington, DE 19801-1494

I hereby certify that on October 15, 2007, I have sent by Federal Express, the foregoing document to the following non-registered participant:

Mark A. Pals, P.C., Esquire
Kirkland & Ellis, LLP
200 East Randolph Drive
Chicago, IL 60601



Steven J. Fineman (#4025)
Richards, Layton & Finger, P.A.
One Rodney Square
P.O. Box 551
Wilmington, Delaware 19899
(302) 651-7700
fineman@rlf.com