IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORACLE CORPORATION and ORACLE U.S.A. INC.,	)	
Plaintiffs,	)	
v.	)	C.A. No. 06-414 (SLR)
EPICREALM LICENSING, LP,	)	
Defendant.	)	

DECLARATION OF THEODORE T. HERHOLD IN SUPPORT OF ORACLE'S RESPONSE TO DEFENDANT'S MOTION TO SUBSTITUTE PARTIES PURSUANT TO RULE 25 (C), FED. R. CIV. P.

I, Theodore T. Herhold, declare as follows:

1. I am a member in good standing of the State Bar of California and an attorney at the law firm of Townsend and Townsend and Crew LLP ("Townsend"), counsel for Plaintiffs and Counterdefendants Oracle Corporation and Oracle U.S.A. Inc. (collectively, "Oracle"). I have personal knowledge of the matters stated, except where otherwise indicated, in this Declaration and could competently testify to them if I were called as a witness.

2. Attached hereto as Exhibit A is a true and correct copy of an email dated October 9, 2007 from me to George Bosy, counsel for epicRealm.

3. Attached hereto as Exhibit B is a true and correct copy of an email dated October 11, 2007 from me to Mr. Bosy.

4. Attached hereto as Exhibit C is a true and correct copy of an email dated October 25, 2007 from me to Mr. Bosy.

5. Attached hereto as Exhibit D is a true and correct copy of an email dated October 25, 2007 from Mr. Bosy to me, along with the proposed Stipulation drafted by Mr. Bosy.

6. Attached hereto as Exhibit E is a true and correct copy of an email dated November 7, 2007 from me to Mr. Bosy.

7. Attached hereto as Exhibit F is a true and correct copy of an email dated November 8, 2007 from me to Mr. Bosy.

8. Attached hereto as Exhibit G is a true and correct copy of an email dated November 14, 2007 from me to Mr. Bosy.

9. Attached hereto as Exhibit H is a true and correct copy of an email dated November 21, 2007 from Mr. Willette (on behalf of Mr. Bosy) to me.

10. Attached hereto as Exhibit I is a true and correct copy of an email dated December 4, 2007 from me to Mr. Bosy.

11. Attached hereto as Exhibit J is a true and correct copy of an email dated December 11, 2007 from me to Mr. Bosy.

12. Attached hereto as Exhibit K is a true and correct copy of an email dated December 13, 2007 from Mr. Willette (on behalf of Mr. Bosy) to me.

13. Attached hereto as Exhibit L is a true and correct copy of the Unopposed Motion to Substitute Pursuant to Rule 25(c), Fed.R.Civ.P. filed in the Quinstreet action. Attached as Exhibit A to the Motion is the Stipulation reached between Quinstreet and epicRealm.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed on this 2nd day of January, 2008 at Palo Alto, California.

Theodore T. Herhold

1349118

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2008, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

Richard L. Horwitz
David Ellis Moore
POTTER ANDERSON & CORROON, LLP

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on January 2, 2008 upon the following individuals in the manner indicated:

BY E-MAIL AND HAND DELIVERY

Richard L. Horwitz
David Ellis Moore
POTTER ANDERSON & CORROON, LLP
1313 N. Market St., Hercules Plaza, 6th Floor
P.O. Box 951
Wilmington, DE 19899-0951

rhorwitz@potteranderson.com
dmoore@potteranderson.com

BY E-MAIL

George S. Bosy, Esquire
JENNER & BLOCK
330 N. Wabash Avenue
Chicago, IL 60611-7603

gbosy@jenner.com

/s/ James W. Parrett, Jr.
James W. Parrett, Jr. (#4292)

EXHIBIT A

Cameron, Alice M.

From: Herhold, Ted T.
Sent: Tuesday, October 09, 2007 4:36 PM
To: George S. Bosy (gbosy@jenner.com)

George, I received your voicemail and left you one back. Per my voicemail, we are willing to consider adding Parallel Networks as an additional defendant/counterclaimant in the case but would be concerned about dropping epicRealm for the same reasons as articulated by Quinstreet in their reply brief. If, after initial discovery is taken, it appears that epicRealm has no further interest in the case and there is no need to keep them as a party, we would consider dropping them at that time. To push this along, we'd be willing to take a 30b6 deposition of epicRealm in the next couple of weeks to get at this issue further. If we agree to dropping epicRealm, we would also need assurances that this would not be used as a pretext to attempting to transfer the case to Texas.

Let me know your position. I'm happy to discuss further if you'd like to give me a call.

Regards,

Ted

Theodore T. Herhold
Partner
Townsend and Townsend and Crew LLP
379 Lytton Ave.
Palo Alto, CA 94301
(650) 326-2400 (main)
(650) 326-2422 (fax)
(650) 752-2433 (direct)
tth@townsend.com

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EXHIBIT B

Cameron, Alice M.

From: Herhold, Ted T.
Sent: Thursday, October 11, 2007 8:46 AM
To: 'gbosy@jenner.com'; 'HRoper@jenner.com'; 'ABarlow@jenner.com'; 'PPatras@jenner.com'; 'DBennett@jenner.com'; 'PMargolis@jenner.com'; 'BBradford@jenner.com'; 'ATerry@jenner.com'; 'EmilyJohnson@jenner.com'
Subject: Re: Parallel Networks: conditions

George we are willing to work with you on this but we need to know that epicrealm has no interst in the case and should no longer be a party. We proposed to find this out via deposition. Do you have an alternative? The agreement itself does not resolve the issue. Also I assume by your statement that you will stipulate to keeping the case in Del. Pls confirm.
Theodore T. Herhold
Townsend and Townsend and Crew LLP
379 Lytton Ave.
Palo Alto, CA 94301
(650) 326-2400
Tth@townsend.com

----- Original Message -----
From: Willette, Timothy M <TWillette@jenner.com>
To: Herhold, Ted T.; Roper, Harry J <HRoper@jenner.com>; Barlow, Aaron A <ABarlow@jenner.com>; Patras, Patrick L <PPatras@jenner.com>; Bennett, David R <DBennett@jenner.com>; Margolis, Paul D <PMargolis@jenner.com>; Bradford, Benjamin J <BBradford@jenner.com>; Terry, Angela M <ATerry@jenner.com>; Johnson, Emily C. <EmilyJohnson@jenner.com>
Sent: Thu Oct 11 08:29:22 2007
Subject: Parallel Networks: conditions

The only condition that we can't agree to is keeping epicRealm in the case. Let me know if there is something we can agree to.

George

_____

Timothy M. Willette
Legal Secretary
Jenner & Block LLP
330 N. Wabash Avenue
Chicago, IL 60611-7603
Tel (312) 923-4784
Fax (312) 527-0484
TWillette@jenner.com
www.jenner.com <http://www.jenner.com/>

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EXHIBIT C

Cameron, Alice M.

From: Herhold, Ted T.
Sent: Thursday, October 25, 2007 9:47 AM
To: Bosy, George S
Cc: 'Patras, Patrick L'
Subject: Oracle/epicRealm

George, got your vm. Am out of the office now and in meetings until this afternoon. Agree we should discuss outstanding discovery issues. I could do at 4:00 my time today, or after 1:30 my time tomorrow. Let me know what works for you guys.

As to the substitution issue, I think it makes more sense to enter into a stipualtion re amendment of complaint, answer and counterclaims in which we recite the basic terms of the deal: 1) ER to be dismissed w/o prejudice; 2) PN to replace ER as real party in interest; and 3) case will remain in Delaware. We could then attach our amended pleadings (which will essentially only change ER to PN) to the stip and order and we should be good to go. If you want to go ahead and draft the stip, that would be great.

Ted

Theodore T. Herhold
Partner
Townsend and Townsend and Crew LLP
379 Lytton Ave.
Palo Alto, CA 94301
(650) 326-2400
(650) 752-2433 (direct)
(650) 326-2422 (fax)
tth@townsend.com

EXHIBIT D

Cameron, Alice M.

From: Willette, Timothy M [TWillette@jenner.com] on behalf of Bosy, George S [GBosy@jenner.com]
Sent: Thursday, October 25, 2007 11:45 AM
To: Herhold, Ted T.
Cc: tfokas@parallelnetworks.com; Roper, Harry J; Patras, Patrick L
Subject: Draft stipulation

Ted,

Transmitted is our draft stipulation re substituting parties.

George

Timothy M. Willette
Legal Secretary
Jenner & Block LLP
330 N. Wabash Avenue
Chicago, IL 60611-7603
Tel (312) 923-4784
Fax (312) 527-0484
TWillette@jenner.com
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DRAFT: FOR REVIEW ONLY | 12:55 p.m.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORACLE CORPORATION and ORACLE U.S.A. INC.,	)	
Plaintiffs,	)	C.A. No. 06-cv-414 (SLR)
v.	)	
EPICREALM LICENSING, LP,	)	
Defendant.	)	

STIPULATION

This stipulation sets forth the parties' agreement with respect to the substitution of Parallel Networks, LLC ("Parallel Networks") as the new defendant and counterclaimant in this action. EpicRealm Licensing, LP ("epicRealm") represents that it has transferred all right, title and interest in the patents in suit to Parallel Networks including the right to enforce the patents in suit and to recover for past and future infringement of the patents in suit. EpicRealm therefore does not have any interest in the patents in suit. EpicRealm has been dissolved and no longer exists as a legal entity.

In order to effect this change, the parties stipulate as follows:

(i) to the dismissal of epicRealm from this action without prejudice;

(ii) that Parallel Networks will be substituted for epicRealm as the real party in interest; and

(iii) that the action will remain in the District of Delaware.

Agreed:

_____ Dated: _____
for epicRealm Licensing, LP and Parallel Networks, LLC

_____ Dated: _____
for Oracle Corporation and Oracle U.S.A. Inc.

EXHIBIT E

Cameron, Alice M.

From: Herhold, Ted T.
Sent: Wednesday, November 07, 2007 10:06 PM
To: George S. Bosy (gbosy@jenner.com); Patrick L. Patras (ppatras@jenner.com)
Cc: rhorwitz@potteranderson.com; Mary B. Graham (mgraham@MNAT.com)
Subject: Oracle/epicRealm

George and Pat, attached is a draft amended complaint substituting in Parallel Networks for epicRealm and asserting a claim for inequitable conduct. Substantive changes are highlighted for ease of reference. Please give me your thoughts before we finalize and submit to the court along with the proposed stipulation. With regard to the stipulation, it should be revised to reflect both the substitution of parties and the addition of Oracle's inequitable conduct claim. It should probably also lay out the timing for PN's answer/counterclaims, and Oracle's answer to PN's counterclaims. Let's get local counsel to weigh in on the proper wording and procedure for the stipulation. I've copied Mary and Rich to get their input.

Ted

Theodore T. Herhold
Partner
Townsend and Townsend and Crew LLP
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Palo Alto, CA 94301
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(650) 326-2422 (fax)
(650) 752-2433 (direct)
tth@townsend.com

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EXHIBIT F

Cameron, Alice M.

From: Herhold, Ted T.
Sent: Thursday, November 08, 2007 4:47 PM
To: 'Bosy, George S'
Cc: Patras, Patrick L; Mary B. Graham (mgraham@MNAT.com); 'rhorwitz@potteranderson.com'
Subject: RE: Substitution issue



Stipulation re substitution of...

George, I will be on the road tomorrow. At this point, I will defer to Mary and Rich on how to handle the stipulation. Attached is a copy of the previous one you sent. As set forth in my prior email, it should be revised to include the addition of the inequitable conduct claim, timing for filing your amended answer and counterclaims and our answer to your amended counterclaims. I would also like the stip to reflect that "the action, and/or any subsequent action(s) involving the patents-in-suit and any continuations, continuations-in-part, divisionals, reexaminations, reissues and any U.S. or foreign patents which are related to or derive from the patents-in-suit, will remain in the District of Delaware."

Thx

Ted

-----Original Message-----
From: Willette, Timothy M [mailto:TWillette@jenner.com] On Behalf Of Bosy, George S
Sent: Thursday, November 08, 2007 2:09 PM
To: Herhold, Ted T.
Cc: Patras, Patrick L
Subject: Substitution issue

Ted,

Can you call me tomorrow to talk about the substitution issue?

George

George S. Bosy
Jenner & Block LLP
330 N. Wabash Avenue
Chicago, IL 60611-7603
(312) 923-8305
(312) 923-8405 (fax)

Timothy M. Willette
Legal Secretary
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330 N. Wabash Avenue
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TWillette@jenner.com
www.jenner.com

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DRAFT: FOR REVIEW ONLY | 12:55 p.m.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORACLE CORPORATION and ORACLE U.S.A. INC.,	)	
Plaintiffs,	)	C.A. No. 06-cv-414 (SLR)
v.	)	
EPICREALM LICENSING, LP,	)	
Defendant.	)	

STIPULATION

This stipulation sets forth the parties' agreement with respect to the substitution of Parallel Networks, LLC ("Parallel Networks") as the new defendant and counterclaimant in this action. EpicRealm Licensing, LP ("epicRealm") represents that it has transferred all right, title and interest in the patents in suit to Parallel Networks including the right to enforce the patents in suit and to recover for past and future infringement of the patents in suit. EpicRealm therefore does not have any interest in the patents in suit. EpicRealm has been dissolved and no longer exists as a legal entity.

In order to effect this change, the parties stipulate as follows:

(i) to the dismissal of epicRealm from this action without prejudice;

(ii) that Parallel Networks will be substituted for epicRealm as the real party in interest; and

(iii) that the action will remain in the District of Delaware.

Agreed:

_____ Dated: _____
for epicRealm Licensing, LP and Parallel Networks, LLC

_____ Dated: _____
for Oracle Corporation and Oracle U.S.A. Inc.

EXHIBIT G

Cameron, Alice M.

From: Herhold, Ted T.
Sent: Wednesday, November 14, 2007 11:46 AM
To: 'Bennett, David R'; Hutchins, Eric M.; Artuz, Robert J.
Cc: MGraham@MNAT.com; Bosy, George S; Patras, Patrick L; Moore, David E.; Horwitz, Richard L.; Margolis, Paul D; OracleEpicrealm
Subject: RE: Oracle v. epicRealm - Substitution of Parallel Networks

Can you or George explain why our last proposal was unacceptable. I do not understand your position. We are agreeable to the substitution of PN for ER but believe it should be done in conjunction with our proposed amendment adding our inequitable conduct claims. We would like to avoid a motion for leave to amend, as I'm sure you would like to do with the substitution issue. We should be able to work this out. Please give me a call to discuss.

Ted

-----Original Message-----
From: Bennett, David R [mailto:DBennett@jenner.com]
Sent: Wednesday, November 14, 2007 11:10 AM
To: Herhold, Ted T.; Hutchins, Eric M.; Artuz, Robert J.
Cc: MGraham@MNAT.com; Bosy, George S; Patras, Patrick L; Moore, David E.; Horwitz, Richard L.; Margolis, Paul D; OracleEpicrealm
Subject: RE: Oracle v. epicRealm - Substitution of Parallel Networks

We have made a reasonable effort to reach an agreement on the issue as required by Rule 7.1.1 of the Delaware local rules, however, we no longer believe that an agreement can be reached. This issue has been between the party for months, your last proposal was unacceptable, and we are farther away from an agreement than we were a month ago. Therefore, we see no reason to further delay filing the motion.

David R. Bennett
Jenner & Block LLP
330 N. Wabash Avenue
Chicago, IL 60611-7603
Tel (312) 923-8314
Fax (312) 923-8414
DBennett@jenner.com
www.jenner.com
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From: Herhold, Ted T. [mailto:ttherhold@townsend.com]
Sent: Wednesday, November 14, 2007 11:52 AM
To: Bennett, David R; Hutchins, Eric M.; Artuz, Robert J.

Cc: MGraham@MNAT.com; Bosy, George S; Patras, Patrick L; Moore, David E.; Horwitz, Richard L.; Margolis, Paul D; OracleEpicrealm
Subject: RE: Oracle v. epicRealm - Substitution of Parallel Networks

I'm not sure I understand. Can you explain the "impasse."

-----Original Message-----
From: Bennett, David R [mailto:DBennett@jenner.com]
Sent: Wednesday, November 14, 2007 8:58 AM
To: Herhold, Ted T.; Hutchins, Eric M.; Artuz, Robert J.
Cc: MGraham@MNAT.com; Bosy, George S; Patras, Patrick L; Moore, David E.; Horwitz, Richard L.; Margolis, Paul D; OracleEpicrealm
Subject: Oracle v. epicRealm - Substitution of Parallel Networks

Ted,

We wanted to inform you that we believe that we have reached an impasse with regard to resolving the issue of substituting Parallel Networks for epicRealm. We intend to file a Motion for Substitution this week.

David Bennett

David R. Bennett
Jenner & Block LLP
330 N. Wabash Avenue
Chicago, IL 60611-7603
Tel (312) 923-8314
Fax (312) 923-8414
DBennett@jenner.com
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EXHIBIT H

Cameron, Alice M.

From: Willette, Timothy M [TWillette@jenner.com] on behalf of Bosy, George S [GBosy@jenner.com]
Sent: Wednesday, November 21, 2007 8:34 AM
To: Herhold, Ted T.; Margolis, Paul D; Bennett, David R
Cc: Bosy, George S; Artuz, Robert J.; Hutchins, Eric M.; Hutchins, Eric M.
Subject: RE: Oracle v. epicRealm - Substitution of Parallel Networks

Ted,

That time doesn't work for us. We'll get back to you with another time/date.

George

Timothy M. Willette
Legal Secretary
Jenner & Block LLP
330 N. Wabash Avenue
Chicago, IL 60611-7603
Tel (312) 923-4784
Fax (312) 527-0484
TWillette@jenner.com
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From: Herhold, Ted T. [mailto:ttherhold@townsend.com]
Sent: Tuesday, November 20, 2007 11:12 PM
To: Margolis, Paul D; Bennett, David R
Cc: Bosy, George S; Artuz, Robert J.; Hutchins, Eric M.; Hutchins, Eric M.
Subject: RE: Oracle v. epicRealm - Substitution of Parallel Networks

Are you available for a conference call tomorrow at 2:00 PST? If so, you can call my direct line. 650-752-2433.

Ted

Theodore T. Herhold
Partner
Townsend and Townsend and Crew LLP
379 Lytton Ave.

Palo Alto, CA 94301
(650) 326-2400
tth@townsend.com

-----Original Message-----
From: Margolis, Paul D [mailto:PMargolis@jenner.com]
Sent: Thursday, November 15, 2007 11:25 AM
To: Herhold, Ted T.; Bennett, David R
Cc: Bosy, George S
Subject: RE: Oracle v. epicRealm - Substitution of Parallel Networks

Ted-

Would you be available for a phone call this afternoon so we can talk about the issues? Just let us know when would be a good time to call.

Thanks,
Paul

Paul D. Margolis
Jenner & Block LLP
330 N. Wabash Avenue
Chicago, IL 60611-7603
Tel (312) 923-8323
Fax (312) 923-8423
PMargolis@jenner.com
www.jenner.com
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From: Herhold, Ted T. [mailto:ttherhold@townsend.com]
Sent: Wednesday, November 14, 2007 1:46 PM
To: Bennett, David R; Hutchins, Eric M.; Artuz, Robert J.
Cc: MGraham@MNAT.com; Bosy, George S; Patras, Patrick L; Moore, David E.; Horwitz, Richard L.; Margolis, Paul D; OracleEpicrealm
Subject: RE: Oracle v. epicRealm - Substitution of Parallel Networks

Can you or George explain why our last proposal was unacceptable. I do not understand your position. We are agreeable to the substitution of PN for ER but believe it should be done in conjunction with our proposed amendment adding our inequitable conduct claims. We would like to avoid a motion for leave to amend, as I'm sure you would like to do with the substitution issue. We should be able to work this out. Please give me a call to discuss.

Ted

-----Original Message-----
From: Bennett, David R [mailto:DBennett@jenner.com]
Sent: Wednesday, November 14, 2007 11:10 AM
To: Herhold, Ted T.; Hutchins, Eric M.; Artuz, Robert J.
Cc: MGraham@MNAT.com; Bosy, George S; Patras, Patrick L; Moore, David E.; Horwitz, Richard L.; Margolis, Paul D; OracleEpicrealm
Subject: RE: Oracle v. epicRealm - Substitution of Parallel Networks

We have made a reasonable effort to reach an agreement on the issue as required by Rule 7.1.1 of the Delaware local rules, however, we no longer believe that an agreement can be reached. This issue has been between the party for months, your last proposal was unacceptable, and we are farther away from an agreement than we were a month ago. Therefore, we see no reason to further delay filing the motion.

David R. Bennett
Jenner & Block LLP
330 N. Wabash Avenue
Chicago, IL 60611-7603
Tel (312) 923-8314
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From: Herhold, Ted T. [mailto:ttherhold@townsend.com]
Sent: Wednesday, November 14, 2007 11:52 AM
To: Bennett, David R; Hutchins, Eric M.; Artuz, Robert J.
Cc: MGraham@MNAT.com; Bosy, George S; Patras, Patrick L; Moore, David E.; Horwitz, Richard L.; Margolis, Paul D; OracleEpicrealm
Subject: RE: Oracle v. epicRealm - Substitution of Parallel Networks

I'm not sure I understand. Can you explain the "impasse."

> -----Original Message-----
> **From:** Bennett, David R [mailto:DBennett@jenner.com]
> **Sent:** Wednesday, November 14, 2007 8:58 AM
> **To:** Herhold, Ted T.; Hutchins, Eric M.; Artuz, Robert J.
> **Cc:** MGraham@MNAT.com; Bosy, George S; Patras, Patrick L; Moore, David E.; Horwitz, Richard L.; Margolis, Paul D; OracleEpicrealm
> **Subject:** Oracle v. epicRealm - Substitution of Parallel Networks
>
> Ted,
>
> We wanted to inform you that we believe that we have reached an impasse with regard to resolving the issue of substituting Parallel Networks for epicRealm. We intend to file a Motion for Substitution this week.

David Bennett

David R. Bennett
Jenner & Block LLP
330 N. Wabash Avenue
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Tel (312) 923-8314
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EXHIBIT I

Cameron, Alice M.

From: Herhold, Ted T.
Sent: Tuesday, December 04, 2007 11:09 AM
To: Bosy, George S; 'Patras, Patrick L'
Subject: Oracle/epicRealm - Inequitable Conduct Evidence

George and Pat, below is a summary of some of the evidence we will rely on in support of our inequitable conduct claims as alleged in the draft amended complaint. After you've had a chance to review, please let me know if you will stipulate to filing the amended complaint so we can get going on that and the substitution of Parallel Networks for epicRealm.

Regards,

Ted

Theodore T. Herhold
Partner
Townsend and Townsend and Crew LLP
379 Lytton Ave.
Palo Alto, CA 94301
(650) 326-2400
(650) 752-2433 (direct)
(650) 326-2422 (fax)
tth@townsend.com

Below are the bates numbers of the file histories of the patents-in-suit showing that counsel at Blakely Sokoloff was involved in the prosecution of both patents:

EPIC000174-324 '554 FH

EPIC000325-565 '335 FH

Below are the bates numbers for the file history of the Oracle "Bookman" patent that was cited by the Examiner as prior art against the epicRealm patents and was also prosecuted by Blakely:

ORCL01032002-32156

The Bookman patent application was filed by Blakely only a few months prior to the filing of the application for epicRealm's '554 patent. Blakely never cited the Bookman patent application as prior art and never cited the numerous Oracle references that were cited in the Bookman patent as prior art. The Examiner was the first to cite the Bookman patent.

Additionally, below are bates numbers of numerous epicRealm documents that show that epicRealm had knowledge of Oracle products (either prior art products or successors to prior art products) before or during the prosecution of the patents-in-suit. These documents support the conclusion that epicRealm was well aware of products that were being developed and sold in the internet server market prior to the filing of the patent applications yet failed to disclose any of this information to the examiner.

BEGBATES	ENDBATES
EPIC000149	EPIC000150
EPIC001391	EPIC001560
EPIC001561	EPIC001725

EPIC002199	EPIC002340
EPIC002549	EPIC002682
EPIC002683	EPIC002910
EPIC002911	EPIC003052
EPIC003858	EPIC003892
EPIC003893	EPIC003919
EPIC010715	EPIC010748
EPIC011041	EPIC011266
EPIC014963	EPIC014975
EPIC015278	EPIC015290
EPIC016060	EPIC016465
EPIC016466	EPIC016880
EPIC017175	EPIC017588
EPIC018038	EPIC018044
EPIC018754	EPIC018997
EPIC020627	EPIC021240
EPIC021537	EPIC021539
EPIC021582	EPIC021595
EPIC022213	EPIC022244
EPIC022266	EPIC022289
EPIC022958	EPIC022961
EPIC023135	EPIC023152
EPIC024084	EPIC024088
EPIC024099	EPIC024103
EPIC024227	EPIC024425
EPIC024851	EPIC025020
EPIC025585	EPIC025754
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EPIC423407	EPIC423559
EPIC423840	EPIC423847
EPIC424505	EPIC424777

EXHIBIT J

Cameron, Alice M.

From: Herhold, Ted T.
Sent: Tuesday, December 11, 2007 10:48 AM
To: MGraham@MNAT.com; Patrick L. Patras (ppatras@jenner.com); George S. Bosy (gbosy@jenner.com)
Cc: OracleEpicrealm
Subject: RE: Oracle et al. v. epicRealm Licensing, LP, (C.A. No. 06-414-SLR)

George and Pat, I am disappointed to see that you went ahead with your motion without the courtesy of responding to our request to simultaneously add our inequitable conduct claims. At your request, we forwarded the evidence underlying our inequitable conduct claims last week but have yet to hear back from you. I assume your motion means that you will not stipulate to adding these claims to the lawsuit. As you know, we did not oppose your proposed substitution of Parallel Networks for epicRealm but only sought to streamline the process by amending the complaint only once to effectuate the substitution and add our inequitable conduct claims. You have declined to respond to our offer and instead proceeded with your motion, which appears to be a violation of Local Rule 7.1.1. We are still open to reaching an agreement on both issues. If we do not hear from you, we will take appropriate action in responding to your motion and will proceed with our motion to amend the complaint to add our inequitable conduct claims.

Ted

Theodore T. Herhold
Partner
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tth@townsend.com

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-----Original Message-----
From: Baker, Melinda S. [mailto:mbaker@potteranderson.com]
Sent: Tuesday, December 11, 2007 8:56 AM
To: OracleEpicrealm; MGraham@MNAT.com
Subject: Oracle et al. v. epicRealm Licensing, LP, (C.A. No. 06-414-SLR)

Attached is your service copy of the following document filed and/or served today in the above-referenced action:

- Motion to Substitute Parties Pursuant to Rule 25(c), Fed. R. Civ. P.; and
- Defendant's Memorandum in Support of Its Motion to Substitute Parties Pursuant to Rule

25(c), Fed. R. Civ. P.

Potter Anderson & Corroon LLP

Melinda S. Baker
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EXHIBIT K

Cameron, Alice M.

From: Willette, Timothy M [TWillette@jenner.com] on behalf of Bosy, George S [GBosy@jenner.com]
Sent: Thursday, December 13, 2007 1:04 PM
To: Herhold, Ted T.
Cc: Patras, Patrick L
Subject: RE: Oracle et al. v. epicRealm Licensing, LP, (C.A. No. 06-414-SLR)

Ted,

This is in response to your e-mail of December 11, 2007 with respect to our motion to substitute Parallel Networks as the real party in interest.

Your e-mail contains assertions that are knowingly erroneous and that suggest that our good faith attempt to reach an agreement on the substitution issue was doomed to failure because of Oracle's bad faith from the start. Contrary to your assertions, Oracle never agreed to substitute without the further condition that we agree to your amending your complaint to include the new and meritless charge of inequitable conduct. Indeed, it was not until well after negotiations began that Oracle added this condition in an attempt to gain a substantial advantage for Oracle having nothing to do with what really should have been a straightforward substitution issue. And so, your assertion that we have violated Local Rule 7.1.1 is specious.

As you know, we will not agree to Oracle's request to substantially amend its complaint in exchange for what Oracle should have agreed to in the first instance -- the substitution of Parallel Networks for epicRealm. I await to see what basis Oracle has for opposing our motion, because you have never articulated one.

George

George S. Bosy
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Chicago, IL 60611-7603
(312) 923-8305
(312) 923-8405 (fax)

Timothy M. Willette
Legal Secretary
Jenner & Block LLP
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From: Herhold, Ted T. [mailto:ttherhold@townsend.com]
Sent: Tuesday, December 11, 2007 12:48 PM
To: MGraham@MNAT.com; Patras, Patrick L; Bosy, George S
Cc: OracleEpicrealm
Subject: RE: Oracle et al. v. epicRealm Licensing, LP, (C.A. No. 06-414-SLR)

George and Pat, I am disappointed to see that you went ahead with your motion without the courtesy of responding to our request to simultaneously add our inequitable conduct claims. At your request, we forwarded the evidence underlying our inequitable conduct claims last week but have yet to hear back from you. I assume your motion means that you will not stipulate to adding these claims to the lawsuit. As you know, we did not oppose your proposed substitution of Parallel Networks for epicRealm but only sought to streamline the process by amending the complaint only once to effectuate the substitution and add our inequitable conduct claims. You have declined to respond to our offer and instead proceeded with your motion, which appears to be a violation of Local Rule 7.1.1. We are still open to reaching an agreement on both issues. If we do not hear from you, we will take appropriate action in responding to your motion and will proceed with our motion to amend the complaint to add our inequitable conduct claims.

Ted

Theodore T. Herhold
Partner
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Palo Alto, CA 94301
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tth@townsend.com

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> -----Original Message-----
> **From:** Baker, Melinda S. [mailto:mbaker@potteranderson.com]
> **Sent:** Tuesday, December 11, 2007 8:56 AM
> **To:** OracleEpicrealm; MGraham@MNAT.com
> **Subject:** Oracle et al. v. epicRealm Licensing, LP, (C.A. No. 06-414-SLR)
>
> Attached is your service copy of the following document filed and/or served today in the above-referenced action:
>
> - Motion to Substitute Parties Pursuant to Rule 25(c), Fed. R. Civ. P.; and
> - Defendant's Memorandum in Support of Its Motion to Substitute Parties Pursuant to Rule 25(c), Fed. R. Civ. P.

Potter Anderson & Corroon LLP

Melinda S. Baker
Secretary to Richard L. Horwitz
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EXHIBIT L

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

QUINSTREET, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-495-SLR
	)	
EPICREALM LICENSING, LP,	)	
	)	
Defendant.	)	

UNOPPOSED MOTION TO SUBSTITUTE
PURSUANT TO RULE 25(C), FED. R. CIV. P.

EpicRealm Licensing, LP ("epicRealm") represents that it has transferred all right, title and interest in the patents in suit to Parallel Networks, LLC ("Parallel Networks") including the right to enforce the patents in suit and to recover for past and future infringement of the patents in suit. EpicRealm therefore does not have any interest in the patents in suit. EpicRealm has been dissolved and no longer exists as a legal entity. As a consequence, epicRealm moves for the substitution of Parallel Networks for epicRealm under Rule 25(c), Fed. R. Civ. P., thereby removing epicRealm from the litigation and substituting Parallel Networks as the defendant and counterclaimant as the real party in interest. This motion is unopposed by QuinStreet, Inc. (Exhibit A - Stipulation).

The parties will coordinate the filing of appropriate pleadings to reflect the substitution. A proposed unopposed order is attached.

OF COUNSEL:

Harry J. Roper
George S. Bosy
Aaron A. Barlow
Patrick L. Patras
David R. Bennett
Paul D. Margolis
Benjamin J. Bradford
JENNER & BLOCK
330 N. Wabash Avenue
Chicago, IL 60611-7603
Tel: (312) 923-8305

Dated: November 16, 2007
832336 / 31393

POTTER ANDERSON & CORROON LLP

By: */s/ David E. Moore*

Richard L. Horwitz (#2246)
David E. Moore (#3983)
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Attorneys for Defendant epicRealm Licensing, LP and Parallel Networks, LLC, as the real party in interest

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on November 16, 2007, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on November 16, 2007, I have Hand Delivered and Electronically Mailed the document to the following person(s):

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Anne Shea Gaza
Richards, Layton & Finger
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rbeiser@vedderprice.com
rzachar@vedderprice.com
lkolman@vedderprice.com

I further certify that on November 16, 2007, I have Electronically Mailed the document to the following person(s):

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David Doyle
Ludwig E. Kolman
Robert S. Rigg
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/s/ David E. Moore
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EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

QUINSTREET, INC., Plaintiff, v. EPICREALM LICENSING, LP, Defendant.	No. 06-cv-414 (SLR)

STIPULATION

This stipulation sets forth the parties' agreement with respect to the substitution of Parallel Networks, LLC ("Parallel Networks") as the new defendant and counterclaimant in this action. EpicRealm Licensing, LP ("epicRealm") represents that it has transferred all right, title and interest in the patents in suit to Parallel Networks including the right to enforce the patents in suit and to recover for past and future infringement of the patents in suit. EpicRealm therefore does not have any interest in the patents in suit. EpicRealm has been dissolved and no longer exists as a legal entity.

In order to effect this change, the parties stipulate as follows:

(i) to the dismissal of epicRealm from this action without prejudice;

(ii) that Parallel Networks will be substituted for epicRealm as the real party in interest;

(iii) that Quinstreet may file its Amended Complaint as to Parallel Networks;

(iv) that the action will remain in the District of Delaware;

(v) that Parallel Networks will not raise the transfer or dismissal of epicRealm as a basis for opposing or withholding discovery of any person, document or thing requested in discovery by Quinstreet.

Agreed:

For epicRealm Licensing, LP and Parallel Networks, LLC

Dated: November 14, 2007

for Quinstreet, Inc.

Dated: November 14, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

QUINSTREET, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-495-SLR
	)	
EPICREALM LICENSING, LP,	)	
	)	
Defendant.	)	

ORDER GRANTING DEFENDANT EPICREALM'S UNOPPOSED MOTION TO SUBSTITUTE PURSUANT TO RULE 25(C), FED.R.CIV.P.

The Court hereby grants defendant epicRealm Licensing, LP's Unopposed Motion To Substitute Pursuant To Rule 25(c), Fed. R. Civ. P. Accordingly, it is:

SO ORDERED that, pursuant to Rule 25(c), Fed. R. Civ. P., and the Stipulation of the parties, Parallel Networks, LLC, is substituted as defendant and counter-plaintiff in place of epicRealm Licensing, LP in Civil Action No. 1:06-cv-00495(SLR) (*Quinstreet, Inc. v. epicRealm Licensing, LP*) and that the new case caption shall be as follows:

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

QUINSTREET, INC.,	)	
	)	
Plaintiff/Counterclaim Defendant,	)	
	)	
v.	)	C.A. No. 06-495-SLR
	)	
PARALLEL NETWORKS, LLC,	)	
	)	
Defendant/Counterclaim Plaintiff.	)	
	)	

_____
United States District Judge

832336 / 31393