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Attorneys for Defendant
Aircraft Owners and Pilots Association

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

SD HOLDINGS, LLC, a Washington
limited liability company,

Plaintiff,

v.

**AIRCRAFT OWNERS AND PILOTS
ASSOCIATION**, a New Jersey
Corporation,

Defendant.

Case No. 3:13-cv-01296-AC

**DECLARATION OF LIONEL LAVENUE
IN SUPPORT OF AOPA'S MOTION TO
DISMISS OR IN THE ALTERNATIVE TO
TRANSFER**

I, Lionel Lavenue, declare and testify as follows:

1. I am one of the attorneys for Defendant Aircraft Owners and Pilots Association. I am knowledgeable about the facts set forth herein and make this declaration in support of AOPA's Motion to Dismiss or in the Alternative to Transfer.

2. Attached to this declaration as Exhibit 1 is a true and correct copy of a letter sent to Plaintiff SD Holdings, LLC on behalf of AOPA on or about August 28, 2013.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 7, 2013.

**OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.**

By: /s/ Lionel M. Lavenue
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CERTIFICATE OF SERVICE

The undersigned certifies that on the 7th day of October, 2013, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system which will issue an electronic notification of filing to all counsel of record.

/s/ Leah C. Lively

Leah C. Lively



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August 28, 2013

Peter A. Haas, Esq
Peter A Haas, Esquire LLC
3699 N.W. John Olsen Place
Hillsboro, OR 97124

VIA FedEx

SD Holdings, LLC v. Aircraft Owners and Pilots Association, Inc

Dear Peter:

On behalf of the Aircraft Owners and Pilots Association, Inc (AOPA), in the above-captioned matter, we have closely reviewed the various patent infringement allegations made by SD Holdings, LLC (SDH), and we have an initial observation.

In particular, we have compared all claims of the asserted patents (U.S. Patent No. 7,640,098 (the "098 patent") and U.S. Patent No. 8,447,512 (the "512 patent")) to the accused AOPA product (namely, the FlyQ Web product), and we have identified notable, significant differences between all of the patent claims and the AOPA product that, in our view, preclude AOPA from infringing any claim of the asserted patents.

Specifically, the claims of the '098 patent all require a "composite travel navigation chart" that is "stored at a server computer" and/or provided "over a computer network" and that the "composite travel navigation chart" includes "a selected travel navigation travel chart merged with . . . radio navigation aids." So, for SDH to have a tenable case of patent infringement as to the '098 patent, there must be an accused product that stores and/or provides "composite travel navigation charts" that are a "travel navigation chart merged with . . . radio navigation aids." However, AOPA's FlyQ Web product, as evident to anyone using the AOPA product, does not store or provide such composite charts. Instead, the accused AOPA product stores and/or provides images of traditional paper charts that are not merged with navigation waypoints of any kind, something specifically disclaimed in the specification and prosecution histories.

Similarly, with respect to the '512 patent, all of the patent claims require a "composite travel navigation chart" formed by "overlaying at the server computer [a] plurality of selected travel navigation waypoints on [a] selected one of the travel chart images." For at least the same reasons as noted above as to the '098 patent, AOPA does not form a "composite travel navigation chart" as required by these patent claims.

Peter A. Haas, Esq.
August 28, 2013
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Of course, there are other limitations in the patent claims of the '098 and '512 patents, and there are other reasons why none of the claims can possibly be infringed by the accused AOPA product, notwithstanding validity issues. But, this "composite travel navigation chart" issue is fundamental to asserting the patents against AOPA.

Given the fact that we cannot identify *any* AOPA product (specifically including the FlyQ Web product, which is the only AOPA product listed in the Complaint) that can even arguably infringe any claim of the '098 or '512 patents under any reasonable claim construction, we would like to enter into a discussion regarding SDH's basis for bringing this lawsuit against AOPA. For example, if SDH has information that is inconsistent with our internal research (e.g. an example of any AOPA product with composite travel navigation charts, as claimed in the two patents), we would certainly like to be made aware of that information. However, if SDH does not have any information inconsistent with our investigation, then, we see no good faith basis for SDH's claims against AOPA. If that is the case, then we kindly ask that SDH withdraw its Complaint against AOPA.

We appreciate your attention to this matter, and we look forward to a response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lionel M. Lavenue". The signature is fluid and cursive, with the first name being the most prominent.

Lionel M. Lavenue