UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

Before the Honorable David P. Shaw
Administrative Law Judge

In the Matter of **CERTAIN FITNESS DEVICES, STREAMING COMPONENTS THEREOF, AND SYSTEMS CONTAINING SAME**	**Investigation No. 337-TA-1265**

DECLARATION REGARDING MICROSOFT DOCUMENT SEARCH

I, Erin Flaucher, declare under the penalty of perjury under the laws of the state of Washington that the following statements are true and correct:

1. My name is Erin Flaucher; I am a Paralegal at Microsoft Corporation, working in the Corporate External Legal Affairs Litigation Department.

2. As the person assigned to responding to the Subpoena Duces Tecum served on Microsoft Corporation ("Subpoena") by Complainants Dish DBS Corporation, Dish Technologies L.L.C., and Sling TV L.L.C ("Complainants"), I was responsible for overseeing the collection of responsive documents.

3. Microsoft has conducted a number of document searches in response to Complainants' subpoena. *See* October 25, 2021 Flaucher Declaration ("10/25/21 Flaucher Decl."); November 1, 2021 Flaucher Supplemental Declaration ("11/1/21 Flaucher Decl."). In the course of these searches, Microsoft has located and produced an input agreement between Microsoft Corporation and MOVE Networks effective July 31, 2007 (MSFT_FITNESS_ITC_000375). In the course of these searches, Microsoft has not located input schedules associated with this agreement.

4. Microsoft has conducted a number of document searches in response to Complainants' subpoena. *See* 10/25/21 Flaucher Decl.; 11/1/21 Flaucher Decl. In the course of these searches, Microsoft has located and produced an October 8, 2010 email from Marc Brown of Microsoft to Dan Beldy, the Chairman of Board of Directors at MOVE Networks (MSFT_FITNESS_ITC_000367) that included a draft patent licensing agreement dated October 8, 2010 that offered to license MOVE Networks' Patent Application No. 11/673,483 for $10,000 (MSFT_FITNESS_ITC_000368). In the course of these searches, Microsoft has not located evidence that MOVE Networks granted the license on or before October 12, 2021. In the course of these searches, Microsoft has not located evidence that this draft agreement was executed.

5. Microsoft has conducted a number of document searches in response to Complainants' subpoena. *See* 10/25/21 Flaucher Decl.; 11/1/21 Flaucher Decl. In the course of these searches, Microsoft has not located evidence that Microsoft exercised a right of first refusal to purchase MOVE Networks.

6. The documents Bates-stamped above and further Bates-stamped as MSFT_FITNESS_ITC_000349, MSFT_FITNESS_ITC_000352, MSFT_FITNESS_ITC_000355, MSFT_FITNESS_ITC_000361, and MSFT_FITNESS_ITC_000384 ("Responsive Documents") were produced by Microsoft in response to Complainants' subpoena to Microsoft. I have reviewed the Responsive Documents on behalf of Microsoft. Each of the Responsive Documents is kept by Microsoft in the regular course of its business, and they were each made or received by a person with knowledge in the course of Microsoft's regularly conducted business activities at or near the time of the activities. The Responsive Documents are the original records or exact duplicates of the original records maintained by Microsoft (except for the addition of Bates labels and Confidentiality legends).

Under penalty of perjury of the laws of the State of Washington, I have read the above statement, know the contents thereof and believe the same to be true.

Dated: November 14, 2021 at Redmond, Washington.

/s/ Erin Flaucher
Erin Flaucher
Paralegal, Microsoft Corporation