

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BEYOND SYSTEMS, INC.

Plaintiff,

v.

KRAFT FOODS INC., *et al.*

Defendants.

Case No.: 8:08-cv-00409-PJM

Declaration of John H. Evans

I, John H. Evans, state as follows:

1. The following declaration is based on my personal knowledge.
2. I am a managing consultant at Project Leadership Associates in Chicago. I have been retained as an expert in the above captioned case. I have submitted an expert report in this case and been deposed for three days.
3. I have over 16 years of information technology experience in a broad range of areas, including internet protocols, and email server design, installation and administration. My duties included managing email servers, configuring domain name services, tracing messages through email message headers and general security of email systems. In the course of my work as a digital forensic investigator, many of my assignments have involved examining email, including the examination of email header information for the purpose of tracing the source or reviewing the transmission path of a message.

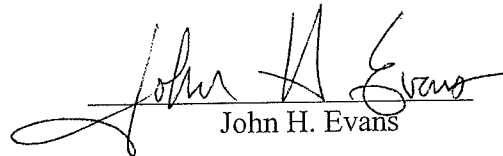
4. As part of my assignment, I was asked to review the email transmissions at issue in this case, including the header information to determine whether the name "Gevalia" was included in the from line or the subject line of the email transmissions.

5. There were 8968 email transmissions received by Beyond Systems' servers. Of those email transmissions, 502 had nothing to do with Gevalia coffee or coffee products. Of the 8466 remaining email transmissions that made some reference to coffee products, 8352 included the name "Gevalia" in the from line. Of the remaining 114 email transmissions, 77 contained the name "Gevalia" in the subject line. Accordingly, only 37 emails did not have a reference to "Gevalia" in the from line or the subject.

I declare under penalty of perjury that the foregoing is true and correct.

7/30/10

Dated


John H. Evans