1	[List of Counsel Appears on Last Page]	
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8	UNITED STATES D	
9	NORTHERN DISTRIC	I OF CALIFORNIA
10	THE REGENTS OF THE UNIVERSITY OF	
11	CALIFORNIA, a California corporation,	
12	Plaintiff, v.	Case No: C 03 05669 JW
13		SUPPLEMENTAL DECLARATION OF
14	MICRO THERAPEUTICS, INC., a Delaware corporation, and DENDRON GmbH, a German	MICHELLE M. UMBERGER IN SUPPORT OF SUMMARY
15	corporation,	JUDGMENT OF UNENFORCEABILITY OF THE
16	Defendants and Third Party Plaintiffs,	PATENTS IN SUIT DUE TO INEQUITABLE CONDUCT
17	V.	INEQUITABLE CONDUCT
18	BOSTON SCIENTIFIC CORPORATION, a	
19	Delaware corporation, and TARGET THERAPEUTICS, INC., a Delaware corporation,	
20	Third Party Defendants.	
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	1 SUPPLEMENTAL DECLARATION OF MICHELLE M. UMBERGER IN S DUE TO INEQUITABLE CONDUCT Case No.: C 03-05669 JW	UPPORT OF SUMMARY JUDGMENT OF UNENFORCEABILITY

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I, Michelle M. Umberger, hereby declare:

I am an attorney with the firm of Heller Ehrman LLP, attorneys for Defendants and
 Counterclaim/Third Party Plaintiffs Micro Therapeutics, Inc. and Dendron GmbH (collectively
 "Defendants" or "MTI"). I make this declaration in support of MTI's Supplemental Memorandum
 in Support of Motion for Summary Judgment of Unenforceability of the Patents in Suit Due to
 Inequitable Conduct.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of the Information Disclosure
8 Statement filed in the prosecution of U.S. Patent No. 5, 855,578, produced by UC as Bates nos.
9 UCR006728-6733.

10 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the deposition
11 of Franco Cossu, taken May 18, 2005

4. Attached hereto as Exhibit 3 is a true and correct copy of exhibits 226 ("test
translation" redacted,) and 227 ("test translation" unredacted) marked at the deposition of Franco
Cossu, taken May 18, 2005. Exhibit 226 was produced by UC's Counsel on the evening of May
17, 2005. Exhibit 227 was produced by UC's Counsel to me at a break during the deposition of
Franco Cossu on May 18, 2005.

17 5. Attached hereto as Exhibit 4 is a true and correct copy of exhibit 228 marked at the
18 deposition of Franco Cossu, taken May 18, 2005. This document was produced by UC's Counsel
19 to me at a break during the deposition of Franco Cossu on May 18, 2005.

20 6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the deposition
21 of Daniel Dawes, taken May 17, 2005.

7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts of the deposition
of Guido Guglielmi taken March 5, 2003, in the matter of Boston Scientific Corporation v. Cordis
Corporation, Case No. 02-1474 JW.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts of the deposition
of Thomas Ciotti, taken May 26, 2005.

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1	9. Attached hereto as Exhibit 8 is a true and correct copy of 37 C.F.R. § 1.97 and	
2	§ 1.98, retrieved from Westlaw's Code of Regulations historical database, as in effect in 1990 and	
3	1991.	
4	10. Attached hereto as Exhibit 9 is a true and correct copy of an excerpted portion of	
5	Guglielmi's NIH Grant Application, May 22, 1990, produced by MTI. A full copy of the NIH	
6	Grant Application (as produced by UC) was submitted as Exhibit 69 to my Declaration filed	
7	December 20, 2004.	
8	I declare under penalty of perjury under the laws of the State of California that the foregoing	
9	is true and correct and that this declaration was executed this 17th day of October 2005, in	
10	Madison, Wisconsin.	
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12	<u>/s/</u>	
13	Michelle M. Umberger	

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SUPPLEMENTAL DECLARATION OF MICHELLE M. UMBERGER IN SUPPORT OF SUMMARY JUDGMENT OF UNENFORCEABILITY
DUE TO INEQUITABLE CONDUCT
Case No.: C 03-05669 JW

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	SUPPLEMENTAL DECLARATION OF MICHELLE M. UMBERGER IN SUPPORT OF SUMMARY JUDGMENT OF UNENFORCEABILITY DUE TO INEQUITABLE CONDUCT Case No.: C 03-05669 JW