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[List of Counsel Appears on Last Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, a California corporation,

Plaintiff,

v.

MICRO THERAPEUTICS, INC., a Delaware corporation, and DENDRON GmbH, a German corporation,

Defendants and Third Party Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION, a Delaware corporation, and TARGET THERAPEUTICS, INC., a Delaware corporation,

Third Party Defendants.

Case No: C 03 05669 JW

**SUPPLEMENTAL DECLARATION OF
MICHELLE M. UMBERGER IN
SUPPORT OF SUMMARY
JUDGMENT OF
UNENFORCEABILITY OF THE
PATENTS IN SUIT DUE TO
INEQUITABLE CONDUCT**

1 I, Michelle M. Umberger, hereby declare:

2 1. I am an attorney with the firm of Heller Ehrman LLP, attorneys for Defendants and
3 Counterclaim/Third Party Plaintiffs Micro Therapeutics, Inc. and Dendron GmbH (collectively
4 "Defendants" or "MTI"). I make this declaration in support of MTI's Supplemental Memorandum
5 in Support of Motion for Summary Judgment of Unenforceability of the Patents in Suit Due to
6 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

12 4. Attached hereto as Exhibit 3 is a true and correct copy of exhibits 226 ("test
13 translation" redacted,) and 227 ("test translation" unredacted) marked at the deposition of Franco
14 Cossu, taken May 18, 2005. Exhibit 226 was produced by UC's Counsel on the evening of May
15 17, 2005. Exhibit 227 was produced by UC's Counsel to me at a break during the deposition of
16 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.

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

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

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