

EXHIBIT 8

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

CODE OF FEDERAL REGULATIONS
TITLE 37--PATENTS, TRADEMARKS, AND COPYRIGHTS
CHAPTER I--PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE
Subchapter A--General
Patents
PART 1--RULES OF PRACTICE IN PATENT CASES
SUBPART B--NATIONAL PROCESSING PROVISIONS
INFORMATION DISCLOSURE STATEMENT

s 1.97 Filing of information disclosure statement.

(a) As a means of complying with the duty of disclosure set forth in s 1.56, applicants are encouraged to file an information disclosure statement at the time of filing the application or within the later of three months after the filing date of the application or two months after applicant receives the filing receipt. If filed separately, the disclosure statement should, in addition to the identification of the application, include the Group Art Unit to which the application is assigned as indicated on the filing receipt. The disclosure statement may either be separate from the specification or may be incorporated therein.

(b) A disclosure statement filed in accordance with paragraph (a) of this section shall not be construed as a representation that a search has been made or that no other material information as defined in s 1.56(a) exists.

(35 U.S.C. 6, Pub. L. 97-247)

[42 FR 5594, Jan. 28, 1977, as amended at 48 FR 2712, Jan. 20, 1983]

CHAPTER I--PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

Editorial Notes: 1. Chapter I--Patent and Trademark Office, Department of Commerce, Subchapter A--General, contains patent and trademark regulations. Subchapter A has been restructured to allow parts pertaining to patent regulations and trademark regulations to be grouped separately.

2. No menclature changes affecting Chapter I appear at 40 FR 5158, Feb. 4, 1975.

PART 1--RULES OF PRACTICE IN PATENT CASES

Authority: 35 U.S.C. 6, unless otherwise noted.

Source: 24 FR 10332, Dec. 22, 1959, unless otherwise noted.

Editorial Note: In Patent and Trademark Office publications and usage the part number is omitted from the numbers of ss 1.1 to 1.352 and the numbers to the right of the decimal point correspond with the respective rule numbers.

37 C. F. R. s 1.97

37 CFR s 1.97

END OF DOCUMENT

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INFORMATION DISCLOSURE STATEMENT

s 1.98 Content of information disclosure statement.

(a) Any disclosure statement filed under s 1.97 or s 1.99 shall include: (1) A listing of patents, publications or other information; and (2) A concise explanation of the relevance of each listed item. The disclosure statement shall be accompanied by a copy of each listed patent or publication or other item of information in written form or of at least the portions thereof considered by the person filing the disclosure statement to be pertinent. All United States patents listed should be identified by their patent numbers, patent dates and names of the patentees. Each foreign published application or patent should be cited by identifying the country or office which issued it, the document number and publication date indicated on the document. Each printed publication should be identified by author (if any), title of the publication, pages, date and place of publication.

(b) When two or more patents or publications considered material are substantially identical, a copy of a representative one may be included in the statement and others merely listed. A translation of the pertinent portions of foreign language patents or publications considered material should be transmitted if an existing translation is readily available to the applicant.

(35 U.S.C 6, Pub. L. 97-247)

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CHAPTER I--PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

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2. Nomenclature changes affecting Chapter I appear at 40 FR 5158, Feb. 4, 1975.

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