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6 Attorneys for Defendant
 COMCAST CABLE COMMUNICATIONS LLC

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

11 ACACIA MEDIA TECHNOLOGIES
 CORPORATION,
 12
 Plaintiff,
 13
 v.
 14 NEW DESTINY INTERNET GROUP, et al.
 15
 Defendants.

Case No. C-05-01114 JW
 DECLARATION OF DAVID J. SILBERT
 Judge: Honorable James Ware

17 AND ALL RELATED AND/OR
 CONSOLIDATED CASE ACTIONS

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1 I, David J. Silbert, declare that the following is true:

2 1. I am an attorney licensed to practice in the State of California and before this
3 Court. I am a partner in the law firm of Kecker & Van Nest, LLP, counsel for defendant Comcast
4 Cable Communications, LLC in these coordinated actions. I make this declaration of my own
5 personal knowledge, and if called to do so, I would testify to these facts under oath.

6 2. I attended the June 14, 2005 Case Management Conference. I understood the
7 Court to state during that Conference that it preferred to address claim construction in three
8 phases. First, the parties would address reconsideration of terms that the Court construed in the
9 July 12, 2004 Markman Order. Second, the parties would address any additional terms to be
10 construed in the '992 and '702 patents. And finally, the parties would address terms in the
11 remaining three patents-in-suit. I recall specifically that the Court stated that the upcoming
12 Motion for Reconsideration should be limited to reconsideration of the July 12, 2004 Order, and
13 should *not* address terms that have not already been construed. I have spoken to counsel for
14 other defendants who attended the hearing, who told me that they had the same understanding.

15 3. Attached as Exhibit 1 to this Declaration is a true and correct copy of the Court's
16 Order Following Case Management Conference dated June 21, 2005.

17 4. Attached as Exhibit 2 to this Declaration is a true and correct copy of the Court's
18 Minute Order filed on June 15, 2005.

19 5. Counsel for the following defendants have notified me that they join in the motion
20 to clarify that the upcoming Motion for Reconsideration will address only reconsideration of the
21 July 12, 2004 Markman Order: The DirecTV Group, Inc.; Echostar Satellite LLC; Echostar
22 Technologies Corporation; Echostar Communications Corporation; Coxcom, Inc.; Mediacom
23 Communications, Corp.; Charter Communications, Inc.; Armstrong Group; Wide Open West
24 Ohio LLC; East Cleveland Cable TV and Communications, LLC; Massillon Cable TV, Inc.;
25 Mid-Continent Media, Inc.; US Cable Holdings LP; Sjoberg's Cablevision, Inc.; Loretel
26 Cablevision; Arvig Commuications Systems; Cannon Valley Communications, Inc.; NPG
27 Cable, Inc.; AP Net Marketing, Inc.; and ICS, Inc.

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