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VIDEO SOFTWARE DEALERS ASSOCIATION
11 and ENTERTAINMENT SOFTWARE ASSOCIATION

12
13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15
16 VIDEO SOFTWARE DEALERS
ASSOCIATION and ENTERTAINMENT
17 SOFTWARE ASSOCIATION,

18 Plaintiffs,

19 v.

20 ARNOLD SCHWARZENEGGER, in his official
capacity as Governor of the State of California;
21 BILL LOCKYER, in his official capacity as
Attorney General of the State of California;
22 GEORGE KENNEDY, in his official capacity as
Santa Clara County District Attorney, RICHARD
23 DOYLE, in his official capacity as City Attorney
for the City of San Jose, and ANN MILLER
24 RAVEL, in her official capacity as County
Counsel for the County of Santa Clara,

25 Defendants.
26

CASE NO. C 05 4188

DECLARATION OF JAIME BORASI
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VIDEO SOFTWARE)
DEALERS ASSOCIATION and)
ENTERTAINMENT SOFTWARE)
ASSOCIATION,)

Plaintiffs,)

vs.)

ARNOLD SCHWARZENEGGER, in his)
official capacity as Governor of the State of)
California; BILL LOCKYER, in his)
official capacity as Attorney General of the)
State of California; GEORGE KENNEDY,)
in his official capacity as Santa Clara)
County District Attorney, RICHARD)
DOYLE, in his official capacity as City)
Attorney for the City of San Jose, and)
ANN MILLER RAVEL, in her official)
capacity as County Counsel for the County)
of Santa Clara,)

C.A. 05-4188

Defendants.)

DECLARATION OF JAIME BORASI

Pursuant to 28 U.S.C. § 1746, I, Jaime Borasi, under penalty of perjury state as follows:

1. I am currently employed as Senior Manager, Corporate Communications at Ubisoft Entertainment (“Ubisoft”). I have held this position since November 15, 2004. As a result of my duties as Senior Manager, Corporate Communications, I have personal knowledge of the facts stated in this declaration.

2. Ubisoft is a developer and publisher of interactive entertainment software both for personal computers and advanced entertainment systems, such as Microsoft Xbox, Sony

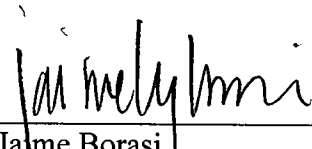
PlayStation 2 and PlayStation Portable, and Nintendo GameCube, Game Boy Advance and DS.

Ubisoft is a publicly traded company based in Paris, France.

3. One of the video games that Ubisoft designed is entitled "*Tom Clancy's Rainbow Six 3*." A true and accurate copy of the Playstation 2 version of *Tom Clancy's Rainbow Six 3*, in its entirety and final form, is attached as Exhibit A to this Declaration. A videotape of *Tom Clancy's Rainbow Six 3* being played is attached as Exhibit B to this Declaration. I certify that Exhibit B is a true, accurate, and representative sample of *Tom Clancy's Rainbow Six 3*.

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

EXECUTED on October 10, 2005.



Jaime Borasi

Exhibits A (video game “Tom Clancy’s Rainbow Six 3”) & B (videotape of “Tom Clancy’s Rainbow Six 3”) to the Declaration of Jaime Borasi are enclosed in a separately filed envelope.