UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

STC.UNM, Plaintiff, v. INTEL CORPORATION, Defendant.	Civil No. 1:10-cv-01077-RB-WDS

DECLARATION OF BRIAN L. FERRALL IN SUPPORT OF INTEL'S OPENING BRIEF ON CLAIM CONSTRUCTION

I, Brian L. Ferrall, declare as follows:

1. I am a partner in the law firm of Keker & Van Nest, one of the counsel for defendant Intel Corporation in this case. I have personal knowledge of the matters set forth below and am competent to testify.

2. Attached hereto as Exhibit 1 is a true and correct copy of the patent asserted in this case, U.S. Patent No. 6,042,998 (the "'998 patent").

3. Attached hereto as Exhibits 2 and 3 are true and correct copies of documents contained in the file history of the '998 patent before the United States Patent and Trademark Office ("PTO") as maintained on the PTO's public website. In particular:

a. Exhibit 2 is a true and correct copy of the applicants' Response and Amendment dated January 14, 1999, which they filed in response to the PTO examiner's non-final rejection mailed October 14, 1998.

b. Exhibit 3 is a true and correct copy of the applicants' Response and Amendment dated May 18, 1999, which they filed in response to the PTO examiner's final office action mailed March 18, 1999.

4. Attached hereto as Exhibits 4 and 5 are true and correct copies of portions of the transcripts of depositions taken in this case of two of the inventors named on the '998 patent. In particular:

a. Exhibit 4 is a true and correct copy of portions of the transcript of the deposition of Stephen D. Hersee, Ph.D., taken on April 26, 2011.

b. Exhibit 5 is a true and correct copy of portions of the transcript of the deposition of Saleem Hussain Zaidi, Ph.D., taken on May 5, 2011.

5. Attached hereto as Exhibits 6 through 8 are true and correct copies of published materials explaining the concepts of Fourier transforms and spatial frequencies:

a. Exhibit 6 is a true and correct copy of *An Introduction to Fourier Theory* by Forrest M. Hoffman of the University of Tennessee, Knoxville.

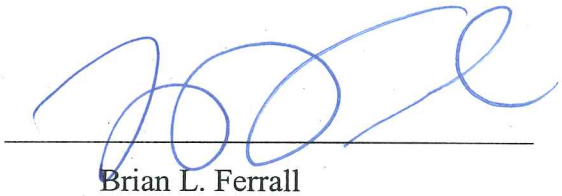
b. Exhibit 7 is a true and correct copy of *An Intuitive Explanation of Fourier Theory* by Steven Lehar, available on Boston University's website at http://sharp.bu.edu/~slehar/fourier/fourier.html.

c. Exhibit 8 is a true and correct copy of an entry for "Spatial Frequency" in *Optipedia*, a work distributed by SPIE, the International Society for Optics and Photonics, available at http://spie.org/x34301.xml?pf=true.

6. Attached hereto as Exhibit 9 is a true and correct copy of the definition of the word "mask" in the *McGraw-Hill Dictionary of Scientific and Technical Terms* (5th ed. 1994).

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated June 21, 2011, at San Francisco, California.



Brian L. Ferrall