

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 OPPOSITION TO STC'S MOTION TO STRIKE AND DISMISS
INTEL'S INVALIDITY AFFIRMATIVE DEFENSE AND COUNTERCLAIM**

I, Brian L. Ferrall, declare as follows:

1. I am a partner in the law firm of Kecker & 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. Pursuant to Local Rule 10.5, Intel has sought and received STC's consent to the filing of exhibits exceeding 50 pages.

3. In April 2011, Intel served STC with Intel's first production of prior art, which consisted of 199 documents amounting to over 2,400 pages.

4. Attached hereto as **Exhibit A** is a true and correct copy of Intel's Amended Response to STC's Requests for Production Nos. 14 & 15, served on April 1, 2011.

5. Attached hereto as **Exhibit B** is a true and correct copy of Intel's Amended Response to STC's Interrogatory No. 4, served on April 1, 2011.

6. Attached hereto as **Exhibit C** is a true and correct copy of an invalidity claim chart served on STC on April 1, 2011 concerning the Petti '258 patent.

7. Attached hereto as **Exhibit D** is a true and correct copy of an invalidity claim chart served on STC on April 1, 2011 concerning the Bae '625 patent.

8. Attached hereto as **Exhibit E** is a true and correct copy of an invalidity claim chart served on STC on April 1, 2011 concerning the Cronin '006 patent.

9. Attached hereto as **Exhibit F** is a true and correct copy of an invalidity claim chart served on STC on April 1, 2011 concerning the Brueck '835 patent, the Waldo '094 patent, and the Ziger, Gwozdz, Elliot, and Applicant Admitted Prior Art references.

10. Attached hereto as **Exhibit G** is a true and correct copy of an invalidity claim chart served on STC on April 1, 2011 concerning the Jinbo '222 publication.

11. Attached hereto as **Exhibit H** is a true and correct copy of an invalidity claim chart served on STC on April 1, 2011 concerning the Nakagawa '716 patent, the Zdebel '002 patent, and the Cuthbert '076 patent.

12. Attached hereto as **Exhibit I** is a true and correct copy of correspondence between counsel for STC and Intel dated December 29, 2011.

13. Attached hereto as **Exhibit J** is a true and correct copy of correspondence between counsel for STC and Intel dated January 3, 2012.

14. Attached hereto as **Exhibit K** is a true and correct copy of the slip opinion in *TSA Corp. Servs., Inc. v. Hayden Const., Inc.*, Case No. 05-cv-1115 (D.N.M. Sept. 27, 2006).

15. Attached hereto as **Exhibit L** is a true and correct copy of the slip opinion in *Equal Employment Opportunity Commission v. Genesco, Inc.*, Case No. 09-cv-952 (D.N.M. May 20, 2010).

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

Dated: January 18, 2012, at San Francisco, California.



BRIAN L. FERRALL

Certificate of Service

The undersigned hereby certifies that on January 18, 2012, the foregoing document and the cited declarations were electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all counsel who have entered an appearance in this action.

ATKINSON, THAL & BAKER, P.C.

/s/ Clifford K. Atkinson
Clifford K. Atkinson