

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**AARON CLARK,**

Plaintiff,

v.

**THE WALT DISNEY COMPANY; JAKKS  
PACIFIC, INC.; PLAY ALONG TOYS;  
KB TOYS; AMAZON.COM; and TOYS ‘R  
US,**

Defendants.

Case No. 2:08CV982

**DECLARATION OF GRANT KINSEL  
FILED IN SUPPORT OF DEFENDANTS’ MOTION TO DISMISS**

I, Grant Kinsel, declare:

1. I make this declaration on the basis of personal knowledge and if called to testify as a witness, I would and could testify competently hereto.

2. Attached as Exhibit "1" is a true and correct copy of Exhibit H to the Complaint in this matter, which purports to be U.S. Patent No. 5,548,272 (the "'272 patent"), along with excerpts from that patent's file history.

3. On or about November 13, 2008, I contacted counsel for plaintiff to request that he provide me with color copies of Exhibits "A" and "B" to the Complaint because the copies that I had were difficult to see. On November 13, 2008, I received an email from Julie Bryan, an assistant to plaintiff's counsel saying that she had printed color copies of the two exhibits and sent the entire Complaint to me by Federal Express. On or about November 14, 2008, I received a Federal Express package from Ms. Bryan containing the Complaint along with what purported to be color copies of Exhibits "A" and "B." Attached hereto as Exhibits "2" and "3" are true and correct color copies of the materials I received from Ms. Bryan that purported to be Exhibits "A" and "B" to the Complaint.

4. Attached as Exhibit "4" are true and correct copies of pages from the American Heritage Dictionary of the English Language.

5. In December 2008, I caused to be ordered from Reed Fax, a company specializing in obtaining complete file histories of issued United States Patents, the file history for the '272 patent. A true and correct copy of the file history I received from Reed Fax is attached as Exhibit "5."

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 2, 2008, at Los Angeles, California.

/s/ Grant Kinsel  
Grant Kinsel

**CERTIFICATE OF SERVICE**

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served today with a copy of this document via the Court's CM/ECF system per Local Rule 5.2. Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

Dated: January 2, 2009

/s/ Grant E. Kinsel

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