

**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; TOYS 'R US;
BABYUNIVERSE, INC.; ETOYS DIRECT,
INC.; and DISNEY SHOPPING, INC.,**

Defendants.

Case No. 2:08-CV-982

District Judge John D. Holschuh

Magistrate Judge Mark R. Abel

**DECLARATION OF MICHAEL J. SONG
FILED IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS
FOR FAILURE TO JOIN A NECESSARY AND INDISPENSABLE PARTY**

(FEDERAL RULE OF CIVIL PROCEDURE 12(b)(7))

I, Michael J. Song, 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 hereto as Exhibit 1 is a true and correct copy of Plaintiff Clark's Responses To Defendant JAKKS Pacific Inc.'s First Set Of Interrogatories.

3. In May 2009, I caused to be ordered from Reed Fax, a company specializing in obtaining documents from the U.S. Patent & Trademark Office ("PTO"), copies of the Assignment Papers for U.S. Patent No. 5,548,272 ("the '272 patent").

4. Attached hereto as Exhibit 2 is a true and correct copy of the Assignment Papers for the '272 patent maintained at the PTO at Reel 9648 / Frame 0348 obtained from Reed Fax.

5. Attached hereto as Exhibit 3 is a true and correct copy of the Assignment Papers for the '272 patent maintained at the PTO at Reel 010485 / Frame 0551 obtained from Reed Fax.

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

Dated: May 18, 2009

/s/ Michael J. Song
Michael J. Song

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: May 18, 2009

/s/ Michael J. Song

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