

James B. Davidson, OSB No. 01122  
 jbd@aterwynne.com  
 James M. Barrett, OSB No. 01199  
 jmb@aterwynne.com  
 ATER WYNNE LLP  
 222 SW Columbia, Suite 1800  
 Portland, Oregon 97201-6618  
 Tel: (503) 226-1191  
 Fax: (503) 226-0079

Attorneys for Non-Party Pixelworks, Inc.

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF OREGON

NEW MEDIUM TECHNOLOGIES LLC, AV  
 TECHNOLOGIES LLC, IP INNOVATION  
 LLC, and TECHNOLOGY LICENSING  
 CORPORATION,

Plaintiffs,

v.

BARCO N.V., MIRANDA  
 TECHNOLOGIES, LG PHILIPS LCD, LTD.,  
 TOSHIBA CORPORATION, TOSHIBA  
 AMERICA CONSUMER PRODUCTS,  
 L.L.C., LG ELECTRONICS INC., and  
 SYNTAX-BRILLIAN CORPORATION,

Defendants.

Misc. No.  
 Civil No. 05 C 5620\*

\*In the U.S. District Court, Northern District  
 of Illinois, Eastern Division

DECLARATION OF GREGORY A.  
 ZAFIRIS IN SUPPORT OF NON-PARTY  
 PIXELWORKS, INC.'S MOTION TO  
 QUASH DEPOSITION SUBPOENA AND  
 MOTION FOR SANCTIONS

I, Gregory A. Zafiris, hereby declare that I have personal knowledge of the matters set forth in this Declaration and am competent to testify to them:

1. I am the Senior Director and Corporate Counsel for nonparty Pixelworks, Inc. ("Pixelworks"). I make this declaration in support of Pixelworks' Motion to Quash Deposition

## Subpoena and Motion for Sanctions.

2. Pixelworks is an Oregon-based company that designs, develops, and markets system-on-chip semiconductors and software for the advanced display industry, including televisions, projectors, and LCD panels.

3. One of the defendants in the above-captioned matter, Syntax-Brilliant Corp. (“SBC”) used a Pixelworks chip, the “PW-106”, in a relatively small number of its products.

4. I received and reviewed a Subpoena in a Civil Case from Plaintiffs on August 15, 2007. The subpoena directed Pixelworks to produce a witness or witnesses to testify at a deposition about 18 topics on September 5, 2007. The subpoena does not provide adequate time for Pixelworks to comply. The deposition topics are massively broad, and it would be impossible for Pixelworks to identify the witnesses who would be required to testify, prepare those witnesses, and also determine a host of other issues such as whether any testimony might breach nondisclosure obligations or require a protective order, all within the space of three weeks that includes Labor Day weekend.

5. On information and belief, SBC used Pixelworks’ PW-106 chip in relatively few of its products. However, the subpoena also broadly seeks sensitive commercial information about all Pixelworks’ products, regardless whether those products have been used in an allegedly infringing device. Plaintiffs want Pixelworks to identify and describe “features”, “functions”, “operations”, “benefits”, “advantages”, how many products have been sold, and any “competitive analyses.” Plaintiffs also seek information about Pixelworks’ business relationships, including the licenses it holds to use patents of third parties and its “indemnification obligations with respect to the infringement of third party intellectual property rights.”

6. Information regarding the way in which Pixelworks’ products function and the specifics of Pixelworks’ business relationships are confidential and proprietary. Pixelworks is a publicly traded company and does not publicly disclose specific information about sales to

particular customers. Pixelworks actively takes measures to protect its confidential and proprietary information by requiring customers who use any Pixelworks product and who receive information about product specifications to sign non-disclosure agreements. Some of the technical information about Pixelworks' products is so sensitive, the Company does not disclose it to anyone.

7. I have reviewed the Stipulated Protective Order ("SPO") that has been entered in the above-captioned case (dkt # 98). Pixelworks did not have an opportunity to participate in negotiating the SPO. The SPO does not authorize designation of information as "Outside Counsel-Only," nor does it require other parties to accept any designation that Pixelworks might request. Further, the Protective Order would restrict a person who viewed Pixelworks' confidential documents from participating in the prosecution of a patent application only for two years and only with respect to patents "directed to technology disclosed in the patents-in-suit." The period of time is too short and a limited restriction on participating only in prosecutions directed at technology disclosed in the patents-in-suit is too narrow to provide Pixelworks with adequate protection for its confidential and proprietary information. Pixelworks is particularly concerned that some of the defendants in the lawsuit have business relationships with Pixelworks' direct competitors.

**I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.**

DATED this 28th day of August, 2007.

s/Gregory A. Zafiris  
GREGORY A. ZAFIRIS

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF GREGORY A. ZAFIRIS IN SUPPORT OF NON-PARTY PIXELWORKS, INC.'S MOTION TO QUASH DEPOSITION SUBPOENA AND MOTION FOR SANCTIONS on the following:

Raymond P. Niro  
Paul C. Gibbons  
NIRO SCAVONE HALLER & NIRO  
181 W. Madison St., Ste. 4600  
Chicago, IL 60602  
Tel: (312) 236-0733  
Fax: (312) 236-1605  
Attorneys for Plaintiffs

by [X] mailing and [X] facsimile a true and correct copy thereof on the date stated below; and

on:

Jennifer Rutenberg  
James P. Ryther  
DLA PIPER RUDNICK GRAY CARY  
203 N. LaSalle St., Ste. 1900  
Chicago, IL 60601  
Tel: (312) 368-3916  
Fax: (312) 236-7516  
Attorneys for Miranda Technologies

James M. Heintz  
DLA PIPER RUDNICK GRAY CARY  
1200 19th St., NW  
Washington, D.C. 20036  
Tel: (202) 861-4167  
Fax: (202) 223-2085  
Attorneys for Miranda Technologies

Gustavo G. Siller, Jr.  
James R. Sobieraj  
BRINKS HOFER GILSON & LIONE  
455 N. Cityfront Plaza Dr., Ste. 3600  
Chicago, IL 60611  
Tel: (312) 321-4200  
Fax: (312) 321-4299  
Attorneys for LG Philips

Paul T. Meiklejohn  
DORSEY & WHITNEY  
1420 Fifth Ave., Ste. 3400  
Seattle, WA 98101  
Tel: (206) 903-8746  
Fax: (206) 903-8820  
Attorneys for Toshiba

Amy Gast O'Toole  
BELL BOYD & LONDON  
70 W. Madison, Ste. 3100  
Chicago, IL 60602  
Tel: (312) 372-1121  
Fax: (312) 827-8000  
Attorneys for Toshiba

Maxwell J. Petersen  
Kevin D. Erickson  
PAULEY PETERSEN & ERICKSON  
2800 W. Higgins Rd., Ste. 365  
Hoffman Estates, IL 60169  
Tel: (847) 490-1400  
Fax: (847) 490-1403  
Attorneys for Syntax-Brilliant

CERTIFICATE OF SERVICE

Herman S. Palarz  
Darin Margules  
TYRE KAMINS KATZ & GRANOF  
1880 Century Park East, Ste. 300  
Los Angeles, CA 90067  
Tel: (310) 553-6822  
Fax: (310) 552-9024  
Attorneys for Syntax-Brilliant

David I. Roche  
Daniel J. O'Connor  
BAKER & MCKENZIE  
130 East Randolph Dr., Ste. 3500  
Chicago, IL 60601  
Tel: (312) 861-8000  
Fax: (312) 861-2898  
Attorneys for Barco NV

by [X] mailing a true and correct copy thereof on the date stated below.

DATED this 28th day of August, 2007.

s/James M. Barrett  
James M. Barrett, OSB No. 01199  
ATER WYNNE LLP  
Attorneys for Pixelworks, Inc.

CERTIFICATE OF SERVICE

ATER WYNNE LLP  
222 SW COLUMBIA, SUITE 1800  
PORTLAND, OR 97201-6618  
(503) 226-1191

350685/1/JMB/057647-0053