

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

GIBSON GUITAR CORPORATION,

Plaintiff,

v.

WAL-MART STORES, INC.,
TARGET CORPORATION, KMART
CORPORATION, SEARS ROEBUCK
& CO., AMAZON.COM, INC.,
GAMESTOP CORP., TOYS-R-US
INC., HARMONIX MUSIC
SYSTEMS, INC., MTV (a division of
Viacom International, Inc.), and
ELECTRONIC ARTS INC.,

Defendants.

Civil Action No. 3:08-0279

United States District Judge
Thomas A. Wiseman, Jr.

United States Magistrate Judge
Juliet E. Griffin

Jury Demand

**DECLARATION OF WILLIAM CHARRON IN SUPPORT OF MOTION FOR A
STAY PENDING U.S.P.T.O.'S REEXAMINATION OF THE PATENT IN SUIT**

I, WILLIAM J. CHARRON, declare and state as follows:

1. I am an attorney licensed to practice law in the State of California, a member of the law firm of O'Melveny & Myers LLP, and counsel in the above-captioned matter for defendants Harmonix Music Systems, Inc., Viacom International Inc. (erroneously named in the Complaint as "MTV Networks"), and Electronic Arts Inc. (collectively, "Viacom Defendants"). I make this Declaration in support of Motion for a Stay Pending U.S.P.T.O.'s Reexamination of the Patent in Suit. All of the facts set forth in this declaration are known to me personally, and if called as a witness I would testify competently to them.

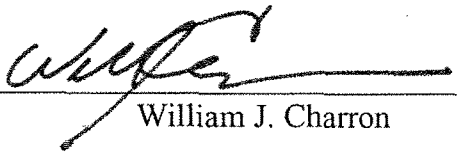
2. Attached hereto as **Exhibit A** is a true and correct copy of the Request for *Ex Parte* Reexamination of U.S. Patent No. 5,990,405, filed with the U.S. Patent & Trademark Office ("PTO") on April 24, 2008.

3. Attached hereto as **Exhibit B** is a true and correct copy of "Table 13a: Ex Parte Reexamination (FY 2003-2007)" from the PTO's "Performance and Accountability Report Fiscal Year 2007," available on the PTO's official website at www.uspto.gov/web/offices/com/annual/2007/50313a_table13a.html.

4. Attached hereto as **Exhibit C** is a true and correct copy of a report entitled
“*Ex Parte* Reexamination Filing Data -- June 30, 2007,” issued by the PTO.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed this 6th day of May 2008, at Los Angeles, California.



William J. Charron

LA2:860347.1