

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

GIBSON GUITAR CORP.,)	
)	
PLAINTIFF,)	
)	Civil Action No. 3:08-0279
v.)	
)	Judge Thomas A. Wiseman, Jr.
WAL-MART STORES INC., TARGET)	Magistrate Judge Juliet Griffin
CORPORATION, K MART 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.)	

**DECLARATION OF JASON M. SOBEL, ESQ. IN SUPPORT OF GIBSON GUITAR
CORP.'S RESPONSE, OPPOSING IN PART AND JOINING IN PART, DEFENDANTS'
MOTION FOR A STAY PENDING U.S.P.T.O.'S REEXAMINATION OF THE PATENT
IN SUIT**

DECLARATION OF JASON SOBEL

I, Jason M. Sobel, declare as follows:

1. I am an attorney with the law firm of Stroock & Stroock & Lavan LLP and admitted before this Court *pro hac vice* as counsel for defendant Gibson Guitar Corp. (“Gibson”) in the above-captioned action. I submit this declaration in support of Gibson Guitar Corp.’s Response, Opposing in Part and Joining in Part, Defendants’ Motion for a Stay Pending U.S.P.T.O.’s Reexamination of the Patent in Suit. The facts set forth in this declaration are true of my own knowledge, except where based on a review of the pleadings and records in this action and, if called as a witness, I could and would competently testify to such facts.
2. Attached hereto as Exhibit A is a true and correct copy of the United States Patent and Trademark Office’s Order and Decision Granting *Ex Parte* Reexamination of U.S. Patent No. 5,990,405.
3. Attached hereto as Exhibit B is a true and correct copy of Nilssen v. Universal Lighting Technologies., Inc., 2006 WL 38909 (M.D.Tenn. 2006).
4. Attached hereto as Exhibit C is a true and correct copy of Lincoln Electric Co. v. Miller Electric Mfg. Co., 2007 WL 2670039 (N.D.Ohio 2007).
5. Attached hereto as Exhibit D is a true and correct copy of Donnelly Corp. v. Guardian Industries Corp., 2007 WL 3104794 (E.D.Mich. 2007).
6. Attached hereto as Exhibit E is a true and correct copy of Iljin USA v. NTN Corp., 2006 WL 568351 (E.D.Mich. 2006).

7. Attached hereto as Exhibit F is a true and correct copy of Softview Computer Products Corp. v. Haworth, Inc., 2000 WL 1134471 (S.D.N.Y. 2000).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 4th day of June, 2008, at New York, New York.

/s/ Jason M. Sobel
Jason M. Sobel

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing is being filed electronically.

Notice of this filing will be sent by operation of the Court's electronic filing system to:

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on this the 4th day of June, 2008.

By: /s/ Douglas R. Pierce
Douglas R. Pierce