

EXHIBIT 17

DECLARATION OF J. CHRISTOPHER CARRAWAY IN SUPPORT
OF DEFENDANT MICROSOFT'S MOTION TO STAY PROCEEDINGS PENDING
COMPLETION OF THE REEXAMINATION OF THE PATENTS-IN-SUIT

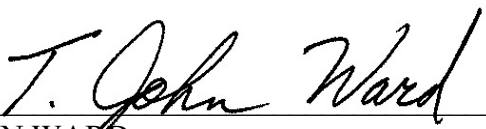
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

AMIGA DEVELOPMENT, LLC §
Vs. § CIVIL ACTION NO. 2:04-CV-242
HEWLETT-PACKARD COMPANY §

ORDER

The court denies the defendant's request for a stay of proceedings pending the re-examination of the '164 patent (#72). Although HP correctly notes that discovery is not complete and the court has not issued a claim construction ruling, the court observes that the re-examination was instituted over a year after the case was filed. A large portion of discovery had been completed when HP filed the present motion. In addition, the court is concerned that staying this particular case pending the reexamination would be unfair, given the age of the patent-in-suit and the expected length of reexamination proceedings. The patent-in-suit expires in October, 2006, and the court is persuaded that a stay of this case would unfairly prejudice the patentee's rights. *See Sovereign Software, LLC v. Amazon.com*, 356 F. Supp. 2d 660 (E.D. Tex. 2005)(finding undue prejudice to the patentee's ability to protect its property rights). The motion to stay the case is therefore denied.

SIGNED this 16th day of February, 2006.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE