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The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MICROSOFT CORPORATION, a Washington corporation,	)	No. CV07 936RSM
)	
Plaintiff,	)	DECLARATION OF DAVID R. KAPLAN
	)	IN SUPPORT OF IMMERSION'S
v.	)	OPPOSITION TO MICROSOFT'S
	)	MOTION FOR PARTIAL SUMMARY
IMMERSION CORPORATION, a Delaware corporation,	)	JUDGMENT REGARDING
	)	IMMERSION'S AFFIRMATIVE
Defendant.	)	DEFENSES
)	
	)	Note On Motion Calendar: July 25, 2008
	)	Oral Argument Requested

1 I, David R. Kaplan, declare as follows:

2 1. I am an attorney at Irell & Manella LLP, co-counsel of record for defendant
3 Immersion Corporation ("Immersion") in the above-captioned action. I am a member in good
4 standing of the California State Bar and am admitted to practice before this Court in this case *pro*
5 *hac vice*. I have personal knowledge of the facts set forth in this Declaration and, if called as a
6 witness, could and would testify competently to such facts under oath.

7 2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the
8 deposition transcript of Richard Birnholz, whose deposition was taken on June 5, 2008.

9 3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the
10 deposition transcripts of Jennifer Liu, whose deposition was taken on December 20, 2007 and
11 January 23, 2008.

12 4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the
13 deposition transcript of Kenneth Lustig, whose deposition was taken on April 30, 2008.

14 5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the
15 deposition transcript of Stephen Ambler, whose deposition was taken on June 12, 2008.

16 6. Attached hereto as Exhibit E is a document Bates-stamped IMRMS 10430,
17 produced during discovery in this action. It is a true and correct copy of handwritten notes of
18 Victor Viegas regarding one of Immersion's mediations with Sony before Immersion's patent
19 lawsuit against Sony went to trial in the Northern District of California.

20 7. Attached hereto as Exhibit F is a true and correct copy of excerpts of Microsoft
21 Form 10-Q filed with the U.S. Securities and Exchange Commission for the quarterly period
22 ended March 31, 2003.

23 8. Attached hereto as Exhibit G is a true and correct copy of excerpts of Microsoft
24 Form 10-Q filed with the U.S. Securities and Exchange Commission for the quarterly period
25 ended September 30, 2003.

1 **CERTIFICATE OF SERVICE**

2 The undersigned attorney certifies that on the 21th day of July, 2008, I electronically filed
3 the foregoing with the Clerk of the Court using the CM/ECF system which will send notification
4 of such filing to the following:

5 Paul J. Kundtz (pkundtz@riddellwilliams.com)
6 Blake Marks-Dias (bmarksdias@riddellwilliams.com)
7 Wendy E. Lyon (wlyon@riddellwilliams.com)
8 Riddell Williams P.S.
9 1001 Fourth Avenue Plaza, Suite 4500
10 Seattle, WA 98154-3600
11 *Attorneys for Plaintiff*

12 /s/ David R. Kaplan
13 David R. Kaplan
14 Irell & Manella LLP
15 1800 Avenue of the Stars, Suite 900
16 Los Angeles, CA 90067-4276
17 Telephone: (310) 277-1010
18 Facsimile: (310) 203-7199

19 Byrnes & Keller LLP
20 1000 Second Avenue, 38th Floor
21 Seattle, WA 98104
22 Telephone: (206) 622-2000
23 Facsimile: (206) 622-2522

24 *Attorneys for Defendant Immersion Corporation*