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The Hon. Ricardo S. Martinez
Noted on Motion Calendar: 1/25/2008

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

v.

IMMERSION CORPORATION, a
Delaware corporation,

Defendant.

No. CV7-936RSM

**DECLARATION OF BLAKE
MARKS-DIAS IN SUPPORT OF
MICROSOFT'S MOTION TO
DISQUALIFY IRELL & MANELLA
LLP FOR VIOLATION OF
WASHINGTON'S RULE OF
PROFESSIONAL CONDUCT 3.7**

**EXHIBITS B, I, J, K, L, M, P & Q
FILED UNDER SEAL**

Blake Marks-Dias declares as follows:

1. I am one of the attorneys for Plaintiff Microsoft Corporation in the above-captioned action. I am over the age of 18, competent to testify, and make this declaration based upon personal knowledge.

2. Attached as Exhibit A is a true and correct copy of the Complaint for Patent Infringement filed by Immersion Corporation on February 11, 2002 in the United States District Court, Northern District of California.

3. Attached as Exhibit B is a true and correct copy of the Sublicense Agreement between Microsoft and Immersion dated July 25, 2003.

DECL. OF BLAKE MARKS-DIAS IN SUPPORT OF MICROSOFT'S
MOT. TO DISQUALIFY IRELL & MANELLA (No. CV7-936RSM)- 1
4812-3931-8274.01
20363.00411

Riddell Williams P.S.
1001 FOURTH AVENUE
SUITE 4500
SEATTLE, WA 98154-1192
206.624.3600

1 4. Attached as Exhibit C is a true and correct copy of the Jury Verdict in
2 *Immersion v. Sony* filed on September 21, 2004.

3 5. Attached as Exhibit D is a true and correct copy of Amended
4 Judgment in *Immersion v. Sony* filed on April 7, 2005.

5 6. Attached as Exhibit E is a true and correct copy of the Order
6 Entering Permanent Injunction in *Immersion v. Sony* dated March 24, 2005.

7 7. Attached as Exhibit F is a true and correct copy of the Order
8 Denying Parties' Motions for Judgment as a Matter of Law and Addressing Other
9 Matters in *Immersion v. Sony* dated January 10, 2005.

10 8. Attached as Exhibit G is a true and correct copy of Sony's Notice of
11 Appeal dated February 9, 2005.

12 9. Attached as Exhibit H is a true and correct copy of Sony's Notice of
13 Appeal dated June 16, 2005.

14 10. Attached as Exhibit I is a true and correct copy of Immersion's
15 Confidential Settlement Communication dated December 13, 2006.

16 11. Attached as Exhibit J is a true and correct copy of Sony's
17 Confidential Settlement Proposal dated January 30, 2007.

18 12. Attached as Exhibit K is a true and correct copy of several Drafts of
19 the Agreement between Sony and Immersion labeled "Confidential For Settlement
20 Purposes Only."

21 13. Attached as Exhibit L is a true and correct copy of excerpts of the
22 Deposition of Jennifer Liu taken on December 20, 2007.

23 14. Attached as Exhibit M is a true and correct copy of the executed
24 Agreement between Sony and Immersion dated March 1, 2007.

25 15. Attached as Exhibit N is a true and correct copy of the Order
26 dismissing the Sony Appeal filed with the court on March 19, 2007.

1 16. Attached as Exhibit O is a true and correct copy of the Notice of
2 Satisfaction of Final Judgment in *Immersion v. Sony* dated March 19, 2007.

3 17. Attached as Exhibit P is a true and correct copy of an e-mail from
4 Richard Birnholz to Larry O'Rourke dated February 27, 2007.

5 18. Attached as Exhibit Q is a true and correct copy of an e-mail from
6 Jennifer Liu to Richard Birnholz dated March 15, 2007.

7 19. Attached as Exhibit R is a true and correct copy of an e-mail from
8 Richard Birnholz to Sal Lunetta dated March 16, 2007.

9 20. Attached as Exhibit S is a true and correct copy of a press release
10 issued by Immersion and Sony on March 1, 2007.

11 21. Attached as Exhibit T is a true and correct copy of a letter from Paul
12 Kundtz to Richard Birnholz dated October 19, 2007.

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

15 EXECUTED on January 10, 2008, at Seattle, Washington.

17 *B. Marks-Dias*
18 _____

19 Blake Marks-Dias
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1 **CERTIFICATE OF SERVICE**

2 I, Donna Hammonds, declare as follows:

3 I am over 18 years of age and a citizen of the United States. I am
4 employed as a legal secretary by the law firm of Riddell Williams P.S.

5 On the date noted below I electronically filed the foregoing document titled
6 **DECLARATION OF BLAKE MARKS-DIAS IN SUPPORT OF MICROSOFT'S**
7 **MOTION TO DISQUALIFY IRELL & MANELLA LLP FOR VIOLATION OF**
8 **WASHINGTON'S RULE OF PROFESSIONAL CONDUCT 3.7** with the Clerk of
9 the Court using the CM/ECF system which will send notification of such filing to of
10 such filing to the following counsel for Immersion Corporation:

11 Bradley S. Keller 12 Jofrey M. McWilliam 13 Byrnes & Keller LLP 14 1000 Second Avenue, 38 th Floor 15 Seattle, WA 98104-4082 16 Phone: (206) 622-2000 17 Fax: (206) 622-2522 18 Email: bkeller@byrneskeller.com 19 jmcwilliam@byrneskeller.com	20 Richard M. Birnholz 21 Morgan Chu 22 Irell & Manella LLP 23 1800 Avenue of the Stars, Suite 900 24 Los Angeles, CA 90067-4276 25 Phone: (310) 277-1010 26 Fax: (301) 203-7199 27 Email: rbirnholz@irell.com 28 mchu@irell.com
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17 I declare under penalty of perjury under the laws of the State of Washington that
18 the foregoing is true and correct.

19 Executed at Seattle, Washington this 10th day of January, 2008.

21 Donna Hammonds
22 Legal Secretary, Riddell Williams P.S.
23 1001 Fourth Avenue Plaza, Suite 4500
24 Seattle, WA 98154
25 Phone: (206) 624-3600
26 Fax: (206) 389-1708
email: dhammonds@riddellwilliams.com