

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

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MICROSOFT CORPORATION, a Washington) corporation,)	
	No. CV07 936RSM
Plaintiff,)	
v.)	DECLARATION OF JOFREY M.
	MCWILLIAM IN SUPPORT OF
IMMERSION CORPORATION, a Delaware)	IMMERSION CORPORATION'S
corporation,)	OPPOSITION TO MICROSOFT'S
	MOTION TO DISQUALIFY IRELL &
Defendant.)	MANELLA LLP

I, Jofrey M. McWilliam, declare as follows:

1. I am an attorney at the law firm of Byrnes & Keller LLP, counsel of record for defendant Immersion Corporation ("Immersion") in the above-captioned action. I am a member in good standing of the Washington State Bar and am admitted to practice before this Court. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached hereto as Exhibit 1 is a document, Bates-stamped MS 00008048 through MS 00008064, produced during discovery in this action. It is a true and correct copy of a Sublicense Agreement by and between Microsoft Corporation ("Microsoft") and Immersion dated July 25, 2003.

1 3. Attached hereto as Exhibit 2 is a document, Bates-stamped IMRMS 00000533
2 through IMRMS 00000548, produced during discovery in this action. It is a true and correct
3 copy of a Jury Verdict Form filed September 21, 2004, in the action in the United States District
4 Court for the Northern District of California entitled Immersion Corporation v. Sony Computer
5 Entertainment of America, Inc. and Sony Computer Entertainment Inc., Northern District of
6 California Case No. C 02-00710 CW (WDB) (the “Sony Lawsuit”).

7 4. Attached hereto as Exhibit 3 is a document, Bates-stamped IMRMS 00000531
8 through IMRMS 00000532, produced during discovery in this action. It is a true and correct
9 copy of an Amended Judgment dated April 7, 2005, in the Sony Lawsuit.

10 5. Attached hereto as Exhibit 4 is a document, Bates-stamped IMRMS 00000018
11 through IMRMS 00000043, produced during discovery in this action. It is a true and correct
12 copy of an Agreement by and between, on the one hand, Sony Computer Entertainment America
13 Inc., and Sony Computer Entertainment Inc. (collectively, “Sony”), and on the other hand,
14 Immersion, entered into on or about February 28, 2007.

15 6. Attached hereto as Exhibit 5 is a document, Bates-stamped IMRMS 00000565
16 through IMRMS 00000566, produced during discovery in this action. It is a true and correct
17 copy of an Order dated March 14, 2007, in the Sony Lawsuit.

18 7. Attached hereto as Exhibit 6 is a true and correct copy of an Order dated June 12,
19 2006, and a redacted stipulated request for such an order dated June 7, 2006, in the Sony
20 Lawsuit.

21 8. Attached hereto as Exhibit 7 is a document, Bates-stamped IMRMS 00001632
22 through IMRMS 00001650, produced during discovery in this action. It is a true and correct
23 copy of an email from Patrick Reutens to Victor Viegas dated July 5, 2003, 1:16 PM, attaching,
24 among other documents, a term sheet dated July 3, 2003.

25 9. Attached hereto as Exhibit 8 is a document, Bates-stamped IMRMS 00001666
26 through IMRMS 00001679, produced during discovery in this action. It is a true and correct

1 copy of an email from Victor Viegas to Patrick Reutens dated July 10, 2003, 12:38 PM,
2 attaching a copy of a term sheet dated July 3, 2003, with Microsoft's proposed changes in black-
3 line.

4 10. Attached hereto as Exhibit 9 is a true and correct copy of a letter from Paul J.
5 Kundtz to Brad S. Keller and Richard M. Birnholz dated January 14, 2008.

6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct.

8 Executed on January 22, 2008, at Seattle, Washington.

9 By /s/ Jofrey M. McWilliam

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15 jmcwilliam@byrneskeller.com

1 **CERTIFICATE OF SERVICE**

2 The undersigned attorney certifies that on the 22nd day of January, 2008, I electronically
3 filed the foregoing with the Clerk of the Court using the CM/ECF system which will send
4 notification 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)
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