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The Hon. Ricardo S. Martinez  
Noted on Motion Calendar: 2/15/2008

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  
COMPEL RESPONSES TO  
REQUESTS FOR PRODUCTION  
NOS. 3 AND 19**  
  
**EXHIBITS 2, 3, 4, 5,6 & 7 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 1 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 2 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  
MOTION TO COMPEL RESPONSES (No. CV7-936RSM) - 1  
4814-2563-9682.01  
20363.00411

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

1 4. Attached as Exhibit 3 is a true and correct copy of the Agreement  
2 between Sony and Immersion dated March 1, 2007.

3 5. Attached as Exhibit 4 is a true and correct copy of excerpts of the  
4 Deposition of Jennifer Liu taken on December 20, 2007.

5 6. Attached as Exhibit 5 is a true and correct copy of Immersion's  
6 Settlement Communication dated December 13, 2006.

7 7. Attached as Exhibit 6 is a true and correct copy of Sony's Settlement  
8 Proposal dated January 30, 2007.

9 8. On September 11, 2007, Microsoft issued its first set of  
10 Interrogatories and Requests for Production to Immersion.

11 9. Attached as Exhibit 7 is a true and correct copy of Immersion  
12 Corporation's Responses to Microsoft Corporation's First Set of Interrogatories  
13 and Requests for Production of Documents dated October 11, 2007.

14 10. On January 22, 2008, the parties conducted a telephonic conference  
15 pursuant to Fed. R. Civ. P. 37. I hereby certify that the parties conferred in good  
16 faith and were unable to agree about the need for Immersion to respond to  
17 Request for Production Nos. 3 and 19.

18 11. Attached as Exhibit 8 is a true and correct copy of a letter from  
19 Alan J. Heinrich to Blake Marks-Dias dated January 28, 2008.

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

22 EXECUTED on January 31, 2008, at Seattle, Washington.

23  
24 

25  
26 Blake Marks-Dias

1 CERTIFICATE OF SERVICE

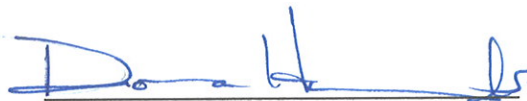
2 The undersigned certifies that on the 31<sup>st</sup> day of January, 2008, I electronically  
3 filed the foregoing with the Clerk of the Court using the CM/ECF system which will send  
4 notification of such filing to the following:

5 Bradley S. Keller  
6 Jofrey M. McWilliam  
7 Byrnes & Keller LLP  
8 1000 Second Avenue, 38<sup>th</sup> Floor  
9 Seattle, WA 98104-4082  
10 Phone: (206) 622-2000; Fax: (206) 622-2522  
11 Email: [bkeller@byrneskeller.com](mailto:bkeller@byrneskeller.com)  
[jmcwilliam@byrneskeller.com](mailto:jmcwilliam@byrneskeller.com)

12 A copy of this document has also been served via U.S. Mail and email on the  
13 following counsel who have filed applications to appear Pro Hac Vice in this matter:

14 Richard M. Birnholz  
15 Alan J. Heinrich  
16 Morgan Chu  
17 Irell & Manella LLP  
18 1800 Avenue of the Stars, Suite 900  
19 Los Angeles, CA 90067-4276  
20 Phone: (310) 277-1010; Fax: (301) 203-7199  
21 Email: [rbirnholz@irell.com](mailto:rbirnholz@irell.com)  
[aheinrich@irell.com](mailto:aheinrich@irell.com)  
[mchu@irell.com](mailto:mchu@irell.com)

22 Executed at Seattle, Washington this 31<sup>st</sup> day of January, 2008.

23 

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