

1 The Honorable Ricardo S. Martinez

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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 MICROSOFT CORPORATION,

11 Plaintiff,

12 v.

13 IMMERSION CORPORATION,

14 Defendant.

No. 2:07-CV-936-RSM

**DECLARATION OF WENDY E.
LYON IN SUPPORT OF MOTION
TO LIMIT SPEAKING
OBJECTIONS**

EXHIBIT B FILED UNDER SEAL

**Noted on Motion Calendar:
May 2, 2008**

15
16 I, Wendy E. Lyon, declare as follows:

17 1. I am one of the attorneys representing plaintiff Microsoft Corporation
18 and have personal knowledge of the following. I am a citizen of the United States,
19 over the age of 18 years, and competent to make this Declaration.

20 2. Attached as Exhibit A is a true and correct copy of the Order Regarding
21 Discovery and Depositions issued by Judge Dwyer on May 27, 1993 in Branin v.
22 Asarco, Inc., No. C93-5132(T)WD.

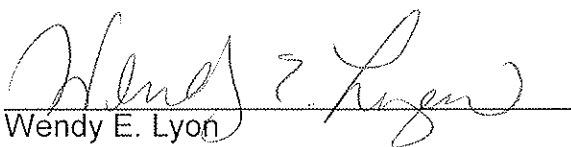
23 3. Attached as Exhibit B are true and correct copies of excerpts from the
24 depositions of Laura Peter, Patrick Reutens and Shoichi Endo, which are being
25 filed under seal.

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DECLARATION OF WENDY E. LYON IN SUPPORT OF MOTION
TO LIMIT SPEAKING OBJECTIONS - (No. 2:07-936-RSM) - 1
4827-8316-5954.01
041708/1457/20363.00411

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

1 I declare under penalty of perjury under the laws of the State of Washington
2 that the foregoing is true and complete to the best of my knowledge.

3 SIGNED this 17th day of April, 2008, at Seattle, Washington.

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5 _____
6 Wendy E. Lyon

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1 **CERTIFICATE OF SERVICE**

2 I, Margaret Friedmann, 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 WENDY E. LYON IN SUPPORT OF MOTION TO LIMIT**
7 **SPEAKING OBJECTIONS** with the Clerk of the Court using the CM/ECF system
8 which will send notification of such filing to the following counsel for Immersion
9 Corporation:

<p>10 Bradley S. Keller 11 Jofrey M. McWilliam 12 Byrnes & Keller LLP 13 1000 Second Avenue, 38th Floor 14 Seattle, WA 98104-4082 15 Phone: (206) 622-2000; Fax: (206) 622-2522 Email: bkeller@byrneskeller.com jmcwilliam@byrneskeller.com</p>	<p>Richard M. Birnholz Morgan Chu Irell & Manella LLP 1800 Avenue of the Stars, Suite 900 Los Angeles, CA 90067-4276 Phone: (310) 277-1010; Fax: (301) 203- 7199 Email: rbirnholz@irell.com mchu@irell.com</p>
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16 I declare under penalty of perjury under the laws of the State of
17 Washington that the foregoing is true and correct.

18 Executed at Seattle, Washington this 17th day of April, 2008.

19 

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

FILED
LOGGED
ENTERED
RECEIVED

MAY 27 1993

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Donald Branin, et al

Plaintiff(s),

v.

Asarco, Inc

Defendant(s).

NO. C93-5132(T)WD
ORDER REGARDING
DISCOVERY AND
DEPOSITIONS

IT IS ORDERED that:

1. DISCOVERY. All discovery matters are to be resolved by agreement if possible. If a ruling is needed as to any discovery question, and counsel wish to avoid the time and expense of a written motion, they may obtain an expedited ruling through a telephone conference call to the court at (206) 553-0103.

2. DEPOSITIONS. Depositions will be conducted in compliance with the following rules:

(a) Examination. If there are multiple parties, each side should ordinarily designate one attorney to conduct the main examination of the deponent, and any questioning by other counsel on that side should be limited to matters not previously covered.

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Ex A

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1 (b) Objections. The only objections that should be
2 raised at the deposition are those involving a privilege against
3 disclosure, or some matter that may be remedied if presented at
4 the time (such as the form of the question or the responsiveness
5 of the answer), or that the question seeks information beyond the
6 scope of discovery. Objections on other grounds are unnecessary
7 and should generally be avoided. All objections should be concise
8 and must not suggest answers to, or otherwise coach, the deponent.
9 Argumentative interruptions will not be permitted.

10 (c) Directions Not to Answer. Directions to the depo-
11 nent not to answer are improper, except on the ground of privilege
12 or to enable a party or deponent to present a motion to the court
13 or special master for termination of the deposition on the ground
14 that it is being conducted in bad faith or in such a manner as
15 unreasonably to annoy, embarrass or oppress the party or the
16 deponent, or for appropriate limitations upon the scope of the
17 deposition (e.g., on the ground that the line of inquiry is not
18 relevant nor reasonably calculated to lead to the discovery of
19 admissible evidence). When a privilege is claimed, the witness
20 should nevertheless answer questions relevant to the existence,
21 extent or waiver of the privilege, such as the date of the com-
22 munication, who made the statement in question, to whom and in
23 whose presence the statement was made, other persons to whom the
24 statement was made, other persons to whom the contents of the
25 statement have been disclosed, and the general subject matter of
26 the statement.

1 (d) Responsiveness. Witnesses will be expected to
2 answer all questions directly and without evasion, to the extent
3 of their testimonial knowledge, unless directed by counsel not to
4 answer.

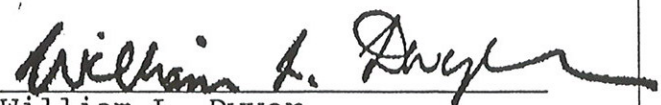
5 (e) Private Consultation. Private conferences between
6 deponents and their attorneys during the actual taking of the
7 deposition are improper, except for the purpose of determining
8 whether a privilege should be asserted. Unless prohibited by the
9 court for good cause shown, such conferences may, however, be held
10 during normal recesses and adjournments.

11 (f) Conduct of Examining Counsel. Examining counsel
12 will refrain from asking questions he or she knows to be beyond
13 the legitimate scope of discovery, and from undue repetition.

14 (g) Courtroom Standard. All counsel and parties should
15 conduct themselves in depositions with the same courtesy and
16 respect for the rules that are required in the courtroom during
17 trial.

18 3. RESPONSIBILITY OF PLAINTIFF'S COUNSEL. This order is
19 issued at the outset of the case, and a copy is delivered by the
20 clerk to counsel for plaintiff. Plaintiff's counsel (or plain-
21 tiff, if pro se) is directed to deliver a copy of this order to
22 each other party within ten days after receiving notice of that
23 party's appearance.

24 Dated: May 27, 1993

25 
26 William L. Dwyer
United States District Judge