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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
)	DECLARATION OF JOFFREY M. MCWILLIAM IN SUPPORT OF IMMERSION'S OPPOSITION TO MICROSOFT'S "MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING IMMERSION'S COUNTERCLAIM"
Plaintiff,)	
v.)	NOTE FOR MOTION CALENDAR: Friday, May 9, 2008
IMMERSION CORPORATION, a Delaware corporation,)	
)	
Defendant.)	

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 IMRMS 00000002 through IMRMS 00000004, produced during discovery in this action. It is a true and correct copy of a letter from Victor Viegas to Kenneth Lustig dated May 8, 2007.

3. Attached hereto as Exhibit 2 is a document Bates-stamped IMRMS 0000052 produced during discovery in this action. It is a true and correct copy of a Confidentiality

1 Agreement dated May 11, 2007, executed by Kenneth Lustig on behalf of himself and on behalf
2 of Microsoft Corporation (“Microsoft”).

3 4. Attached hereto as Exhibit 3 is a document Bates-stamped IMRMS 00000016
4 through IMRMS 00000017, produced during discovery in this action. It is a true and correct
5 copy of an email from Laura Peter to Kenneth Lustig, dated May 14, 2007.

6 5. Attached hereto as Exhibit 4 are true and correct copies of excerpts of Microsoft’s
7 Responses to Immersion’s First Set of Interrogatories dated February 13, 2007. Attached to such
8 interrogatory responses are documents Bates-stamped MS 10744 through MS 10757, with
9 confidential information redacted, produced during discovery in this action, which purport to be
10 copies of emails involving Microsoft’s PR firm and various third parties.

11 6. Attached hereto as Exhibit 5 are true and correct copies of printouts of the
12 following internet webpages, <http://www.seattletimescompany.com/advertise/newspapers.htm>,
13 <http://www.cnet.com/who-we-are/>, and <http://arstechnica.com/site/about.ars>, located on the
14 websites of The Settle Times Company, CNET.com, and ARS Technia, respectively.

15 7. Attached hereto as Exhibit 6 is a true and correct copy of a letter from Richard
16 Birnholz to Paul Kundtz dated June 22, 2007.

17 8. Attached hereto as Exhibit 7 is a true and correct copy of Microsoft’s Responses
18 to Immersion’s First Set of Requests For Production of Documents dated October 11, 2007.

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

21 EXECUTED on May 6, 2008, at Seattle, Washington.

22 By /s/ Jofrey M. McWilliam
23 Jofrey M. McWilliam, WSBA #28441
24 1000 Second Avenue, Suite 3800
25 Seattle, WA 98104-4082
26 Telephone: (206) 622-2000
Facsimile: (206) 622-2522
jmcwilliam@byrneskeller.com

1 **CERTIFICATE OF SERVICE**

2 The undersigned attorney certifies that on the 6th day of May, 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)
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