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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ALFRED E. MANN FOUNDATION FOR SCIENTIFIC RESEARCH,

Plaintiff,

v.

COCHLEAR CORPORATION (n/k/a COCHLEAR AMERICAS), COCHLEAR LTD., and ADVANCED BIONICS, LLC,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. CV 07-08108 FMO (SHx)

DECLARATION OF SCOTT R. MILLER IN SUPPORT OF DEFENDANTS COCHLEAR LTD. AND COCHLEAR AMERICAS' MEMORANDUM OF CONTENTIONS OF FACT AND LAW

[Defendants Cochlear Ltd. and Cochlear Americas' Memorandum of Contentions of Fact and Law filed/lodged concurrently herewith]

Judge: Hon. Fernando M. Olguin

Pre-Trial Conference: December 17, 2013
Hearing on Motions in Limine: December 17, 2013
Trial Date: January 13, 2014

DECLARATION OF SCOTT R. MILLER

I, Scott R. Miller, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am partner with Sheppard, Mullin, Richter & Hampton LLP, attorneys of record for Defendants Cochlear Ltd. and Cochlear Americas (collectively "Cochlear Defendants") in the above-captioned matter.

2. If called as a witness, I could and would competently testify to all facts within my personal knowledge.

3. Attached hereto as **Exhibit A** is a true and correct copy of DEFENDANT COCHLEAR LTD.'S FIRST SET OF INTERROGATORIES TO PLAINTIFF ALFRED E. MANN FOUNDATION FOR SCIENTIFIC RESEARCH AND PLAINTIFF'S OBJECTIONS AND RESPONSE TO SAME, dated May 16, 2008.

4. Attached hereto as **Exhibit B** is a true and correct copy of DEFENDANT COCHLEAR LTD.'S FIRST SET OF INTERROGATORIES TO PLAINTIFF ALFRED E. MANN FOUNDATION FOR SCIENTIFIC RESEARCH AND PLAINTIFF'S OBJECTIONS AND SECOND SUPPLEMENTAL RESPONSE TO SAME, dated November 13, 2008.

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

Executed on November 26, 2013 at Los Angeles, California.

/s/ Scott R. Miller
Scott R. Miller