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Attorneys for Defendant/Counterdefendant
AuthenTec, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

AUTHENTEC, INC., a Delaware corporation,

Plaintiff,

v.

ATMEL CORPORATION, a Delaware corporation; ATMEL SWITZERLAND, a corporation; ATMEL FRANCE, a corporation; and ATMEL SARL, a corporation,

Defendants.

ATMEL CORPORATION, a Delaware corporation; ATMEL SWITZERLAND, a corporation; ATMEL FRANCE, a corporation; and ATMEL SARL, a corporation,

Counterclaimants,

v.

AUTHENTEC, INC., a Delaware corporation,

Counterdefendant.

Case No. C 07-03331 CW

DECLARATION OF ETHAN B. ANDELMAN IN SUPPORT OF AUTHENTEC'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS COUNTS 5-7

Date: August 16, 2007
Time: 2:00 p.m.
Location: Courtroom 2, 4th Floor
Judge: Hon. Claudia Wilken

DECLARATION OF ETHAN B. ANDELMAN

I, Ethan B. Andelman declare as follows:

1. I am an attorney at the law firm of Howrey LLP, counsel of record for AuthenTec, Inc. in the above-captioned action. I am a member in good standing of the State Bar of California and have been 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 true and correct copy of a letter from Olivia M. Kim to Aaron Wainscoat, dated October 23, 2006.

3. Attached hereto as Exhibit 2 is a true and correct copy of a letter from Olivia M. Kim to Brian A.E. Smith, dated January 8, 2007.

4. Attached hereto as Exhibit 3 is a true and correct copy of a letter from Olivia M. Kim to Courtney Towle, dated January 30, 2007.

5. Attached hereto as Exhibit 4 is a true and correct copy of a letter from Olivia M. Kim to Courtney Towle, dated February 7, 2007.

6. Attached hereto as Exhibit 5 is a true and correct copy of a letter from Olivia M. Kim to Courtney Towle, dated March 30, 2007.

7. Attached hereto as Exhibit 6 is a true and correct copy of a letter from Olivia M. Kim to Courtney Towle, dated April 10, 2007.

Executed on July 26, 2007, at San Francisco, California.

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

/s/ Ethan B. Andelman
Ethan B. Andelman