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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

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

Plaintiffs,

v.

AUTHENTEC, INC., a Delaware corporation,

Defendant.

Case No. 06 CV 2138 CW

DECLARATION OF ERIC KRAEMER

Date: May 1, 2008
Time: 2:00 p.m.
Location: Courtroom 2, 4th Floor
Judge: Hon. Claudia Wilken

I, Eric Kraemer, declare as follows:

1. I am a Software Development Engineer at AuthenTec, Inc. I have personal knowledge of the facts contained in this declaration, and if called upon to do so, I could and would testify competently thereto.

2. SlideToFullImage.exe is a debugging tool that is compiled and distributed on an as-needed basis to engineers at AuthenTec. The code base used to create a version of SlideToFullImage.exe contains a series of IF-DEF statements that, depending on how the IF-DEF statements are set, control the code that is called for a particular function of SlideToFullImage.exe. Thus, the code that is called for a particular function in a particular version of SlideToFullImage.exe will vary depending on which IF-DEF statements are set.

3. I have looked at the document attached hereto as Exhibit 1. In particular, I have looked at the images depicted on page 9. These images depict a series of individual slices stacked on top of one another. The left-most column simply depicts a series of slices output from an AuthenTec product and stacked on top of one another. The middle and right-most columns also depict a stacked series of slices. However, in the middle and right-most column, some of the slices output by the AuthenTec product have been discarded by a process called "redundant slice removal." All three images are nothing more than a series of slices.

4. I am familiar with the function called "MatchSliceToSlice." "MatchSliceToSlice" does not create any images.

5. I am informed that that Atmel has asserted that "all AES products use the same software, known as com code." Comcode is source code. As described in my prior declaration, source code shared between AuthenTec's AT, AE, and PBA products is stored in a tree designated as comcode. Simply because the common code is stored here, does not mean that any particular portion of this code is used by any particular product at any particular time. Rather, depending on how a customer decides to configure his product, certain portions of the comcode can be used. Atmel's blanket assertion fails to appreciate how source code is used and how programs are compiled. Moreover, I explained to Atmel numerous times during my deposition that the existence of a particular capability within the AuthenTec code base did not mean that the code was used in a product.

Executed at Melbourne, Florida on February 29, 2008.

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

Eric Kraemer