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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. C06-2138 CW (EDL) Case No. C07-3331 CW (EDL) **DECLARATION OF DENISE M. DE MORY IN SUPPORT OF DEFENDANT AUTHENTEC INC.'S OPENING MARKMAN BRIEF, OPPOSITION TO MOTION FOR PARTIAL SUMMARY JUDGMENT, AND MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT AND FOR AN EXCEPTIONAL CASE FINDING** Judge: Hon. Claudia Wilken

I, Denise M. De Mory, declare as follows:

1. I am an attorney at law, admitted to practice law in the State of California, and a partner in the law firm of Howrey LLP. I am counsel for Defendant 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. Attached hereto as Exhibit 1, filed under seal, is a true and correct copy of Atmel's production bearing production numbers AML032285-AML032316.

3. Attached hereto as Exhibit 2, filed under seal, is a true and correct copy of Atmel's production bearing production numbers AML034349-AML034352.

4. Attached hereto as Exhibit 3, filed under seal, is a true and correct copy of excerpts from the transcripts of Mr. Jean-Francois Mainguet's October 25-26, 2007 deposition testimony.

5. Attached hereto as Exhibit 4 is a true and correct copy of United States Patent No. 6,289,114, issued September 11, 2001.

6. Attached hereto as Exhibit 5 is a true and correct copy of United States Patent No. 6,459,804, issued October 1, 2002.

7. Attached hereto as Exhibit 6 is a true and correct copy of Disclosure of Asserted Claims and Preliminary Infringement Contentions of Plaintiff Atmel Corporation for U.S. Patent Nos. 6,289,11 and 6,459,804 served October 23, 2006.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the transcript of Dr. Anil Jain's January 14, 2008 deposition testimony.

9. Attached hereto as Exhibit 8 is a true and correct copy of United States Patent No. 4,353,056, issued October 5, 1982.

10. Attached hereto as Exhibit 9 is a true and correct copy of the file history of the prosecution of United States Patent No. 6,289,114 before the United States Patent and Trademark Office.

11. Attached hereto as Exhibit 10 is a true and correct copy of United States Patent No. 5,548,394, issued August 20, 1996.

12. Attached hereto as Exhibit 11 is a true and correct copy of United States Patent No. 5,177,802, issued January 5, 1993.

13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from Atmel Corporations 2006 Form 10-K.

14. Attached hereto as Exhibit 13, filed under seal, is a true and correct copy of Atmel's production bearing production numbers AML045149-AML045155.

15. Attached hereto as Exhibit 14, filed under seal, is a true and correct copy of Atmel's production bearing production numbers AML032057-AML032126.

16. Attached hereto as Exhibit 15, filed under seal, is a true and correct copy of Atmel's production bearing production numbers AML026516-AML026549.

17. Attached hereto as Exhibit 16, filed under seal, is a true and correct copy of Atmel's production bearing production numbers AML013402-AML013407.

18. Attached hereto as Exhibit 17 is a true and correct copy of a Press Release titled: "AuthenTec Ships One Millionth Fingerprint Sensor," dated July 14, 2003.

19. Attached hereto as Exhibit 18 is a true and correct copy of a Press Release titled: "AuthenTec is First Provider to Ship Two Million Fingerprint Sensors."

20. Attached hereto as Exhibit 19 is a true and correct copy of a Press release titled: "AuthenTec Sets Global Record with Shipment of 25 Millionth Fingerprint Sensor," dated November 14, 2007.

21. Attached hereto as Exhibit 20, filed under seal, is a true and correct copy of AuthenTec's production bearing production numbers AUTH-A002891-AUTH-A002898.

22. Attached hereto as Exhibit 21, filed under seal, is a true and correct copy of excerpts from the transcript of Mr. Peter Sherlock's November 8, 2007 deposition testimony.

23. Attached hereto as Exhibit 22 is a true and correct copy of AuthenTec's production bearing production numbers AUTH-A 000433-AUTH-A00435.

24. Attached hereto as Exhibit 23 is a true and correct copy of AuthenTec's production bearing production numbers AUTH-A044289-044296.

25. Attached hereto as Exhibit 24 is a true and correct copy of Atmel's production bearing production numbers AML001147-AML001169.

26. Attached hereto as Exhibit 25 are a true and correct copies of Atmel's Original, First Amended, and Second Amended Certifications, served September 25, 2007, October 12, 2007 and November 2, 2007, respectively, Regarding Atmel's Document Production In Response to AuthenTec's First, Second, and Third Sets of Requests For Production .

27. Attached hereto as Exhibit 26 is a true and correct copy of a correspondence dated February 22, 2008 from Ms. Olivia Kim to Mr. Matthew Greinert.

28.

29. Attached hereto as Exhibit 28, filed under seal, is a true and correct copy of excerpts from the transcript of Mr. Eric Kraemer's October 19, 2007 deposition testimony.

30. Attached hereto as Exhibit 29, filed under seal, is a true and correct copy of excerpts from the transcript of Mr. Kental Sengupta's December 20, 2007 deposition testimony.

31. Attached hereto as Exhibit 30, filed under seal, is a true and correct copy of AuthenTec's production bearing production numbers AUTH-A 018054-AUTH-A018089.

32. Attached hereto as Exhibit 31, filed under seal, is a true and correct copy of an excerpt from AuthenTec's production bearing production numbers AUTH-A018266-AUTH-A018345.

32. Attached hereto as Exhibit 35 is a true and correct copy of excerpts from AuthenTec's Form S-1 filed with the Securities and Exchange Commission on March 16, 2007.

33. Attached hereto as Exhibit 36 is a true and correct copy of excerpts of the transcript of a hearing before Judge Laporte on October 23, 2007.

34. Attached hereto as Exhibit 37, filed under seal, is a true and correct copy of excerpts from the transcript of Ms. Cynthia Bright's December 17, 2007 deposition testimony.

35. Attached hereto as Exhibit 38, filed under seal, is a true and correct copy of excerpts from the transcript of Ms. Julie Mar-Spinola's December 20, 2007 deposition testimony.

Executed at San Francisco, California 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.

/s/Denise M. De Mory
Denise M. De Mory