Henry C. Bunsow (SBN 60707)
bunsowh@howrey.com
Denise De Mory (SBN 168076)
demoryd@howrey.com
Brian A.E. Smith (SBN 188147)
smithbrian@howrey.com
HOWREY LLP
525 Market Street, Suite 3600
San Francisco California 94105
Telephone: (415) 848-4900
Facsimile: (415) 848-4999

Attorneys for Defendant
AuthenTec, Inc.

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 REPLY MARKMAN BRIEF AND MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT AND FOR AN EXCEPTIONAL CASE FINDING

Date: May 1, 2008
Time: 2:00 p.m.
Location: Courtroom 2, 4th Floor
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 39 is a true and correct copy of excerpts of exhibits A, B, C, D, E, and G of Plaintiff Atmel Corporation's Disclosure of Asserted Claims and Preliminary Infringement Contentions for U.S. Patent Nos. 6,289,114 and 6,459,804, served October 23, 2006.

3. Attached hereto as Exhibit 40, filed under seal, is a true and correct copy of excerpts from AuthenTec product datasheets for the Entrepad AES2502 and AES2501A, and product/hardware specifications for the Entrepad AES2510, AES2501B, AES1510 and AES1610.

4. Attached hereto as Exhibit 41, filed under seal, is a true and correct copy of excerpts from AuthenTec product datasheets for the Entrepad AES1710, AES1711, AES2550, and AES2810.

5. Attached hereto as Exhibit 42, filed under seal, is a true and correct copy of excerpts from an internal AuthenTec presentation titled "AuthenTec Packaging Summit Roadmap & Deployment Activity," dated June 5, 2006.

6. Attached hereto as Exhibit 43, filed under seal, is a true and correct copy of excerpts from the transcripts of Mr. Jean-Francois Mainguet's October 26, 2007 deposition testimony.

9. Attached hereto as Exhibit 44, filed under seal, is a true and correct copy of excerpts from the transcript of Mr. Peter Sherlock's November 8, 2007 deposition testimony.

Executed at San Francisco, California on April 7, 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