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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

SUPPLEMENTAL DECLARATION OF DALE SETLAK

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

I, Dale Setlak, declare as follows:

1. I am the Chief Technology Officer and co-founder of AuthenTec, Inc. I have worked at AuthenTec since 1998, and worked on development of the AuthenTec products at Harris Corporation before 1998. I make this declaration of my personal knowledge, and if called as a witness, I could and would testify competently to the statements contained herein.

2. For AuthenTec's area sensor products, finger contact with the drive ring is used as a power-up/power-saving mechanism. The area sensors can use contact with the drive ring to determine whether or not a finger is present. The accused products do not use the drive ring as a power-up mechanism. Instead a portion of the pixel antennae matrix is periodically turned on and the device determines if a finger is present based on the electric field read by the pixel antennae array.

3. I understand that Atmel referred to U.S. Patent No. 5,963,679 ('679 patent), for which I am the sole inventor, to claim that AuthenTec instructs users to apply "finger pressure" to the sensing area. I am familiar with and have re-reviewed the portion of the specification that Atmel cites. The finger pressure user feedback feature described in the specification of the '679 patent is a feature that has never been implemented in any AuthenTec product. The feature described in the '679 patent relates solely to feedback that can be given to a user as a result of the image processing that, if implemented, would occur in software. The feature is unrelated to the nature or function of the pixel antennae array.

Executed at Melbourne, Florida 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.



Dale Setlak