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Attorneys for Defendant and Counterclaimant
MANN PACKING COMPANY, INC.,
a California corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

APIO, INC., a Delaware corporation,

Plaintiff,

v.

MANN PACKING COMPANY, INC., a California corporation,

Defendant.

AND RELATED COUNTERCLAIMS

Case Number: 5:07-CV-5628-JF/PVT

Supporting Declaration of Michael E. Crawford

Judge: Honorable Jeremy Fogel

Trial Date: August 10, 2009

EXHIBIT 1

I, Michael E. Crawford, declare as follows:

1. I am employed as an attorney by NIXON & VANDERHYE P.C., and am an attorney of record appearing on behalf of the defendant, MANN PACKING COMPANY, INC., in this action. I am submitting this declaration in support of Defendant Mann's Motion for Protective Order.

2. Exhibit 2 to this motion is a true and correct copy of an e-mail letter I received on April 2, 2008 from Apio's counsel, Marc Karish.

3. Exhibit 3 to this motion is a true and correct copy of *Mikohn Gaming Corp. v Acres Gaming Corp.*, 50 USPQ2d 1783 (D. Nev. 1998).

4. Exhibit 4 to this motion is a true and correct copy of *Motorola, Inc. v Interdigital Technology Corp.*, 1994 U.S. Dist. Lexis 20714 (D. Del. Dec., 19, 1994).

5. Exhibit 5 to this motion is a true and correct copy of Pratte U.S. Patent Application Publication 11/408,442 for "Party tray," a division of the application that eventually issued as the '818 patent-in-suit.

6. Exhibit 6 to this motion is a true and correct copy of Pratte U.S. Patent Application Publication 11/408,443 for "Party tray," a continuation of the application that eventually issued as the '818 patent-in-suit.

7. Exhibit 7 to this motion is a true and correct copy of Pratte U.S. Patent Application Publication 11/409,354 for "Party tray," a division of the application that eventually issued as the '818 patent-in-suit.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on May 7, 2008

Michael E. Crawford
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