IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

U.S. PHILIPS CORPORATION, Plaintiff, v. EASTMAN KODAK COMPANY, Defendant.	Civil Action No. 06-251 (GMS)

DECLARATION OF MATTHEW A. LEVY IN SUPPORT OF U.S. PHILIPS CORPORATION'S REPLY TO KODAK'S OPPOSITION TO PHILIPS' MOTION *IN LIMINE* TO PRECLUDE KODAK FROM PRESENTING HEARSAY TESTIMONY BY EXPERT WITNESSES

I, Matthew A. Levy, declare:

1. I am an attorney duly licensed to practice in the District of Delaware and the District of Columbia and am an associate of Finnegan, Henderson, Farabow, Garrett and Dunner, L.L.P., one of the attorneys of record for Plaintiff U.S. Philips Corporation ("Philips"). I have been admitted to this Court *pro hac vice* for the purposes of this civil action. The facts set forth herein are of my own personal knowledge and, if sworn, I could and would testify competently to them.

2. On December 14, 2007, attorneys for Philips received the expert report of Dr. Charles J. Neuhauser. Attached as Exhibit F to Dr. Neuhauser's report was the "Widcom VTC-56B Video Coder/Decoder Data Extraction Report" ("Chipworks report"), dated July 16, 2004. Eastman Kodak Company ("Kodak") had not previously disclosed its intent to submit an expert report from Dr. Neuhauser. The Chipworks report was not produced by Kodak during fact discovery in this action.

3. On January 8, 2008, I had a telephone conversation with T. Jesse Hindman, an attorney with DLA Piper LLP representing Kodak in this matter. In that conversation, I made a request on behalf of Philips that Kodak provide a representative of Chipworks to be deposed regarding the Chipworks report. Mr. Hindman agreed to consider the request. On January 11, 2008, I had another telephone conversation with Mr. Hindman, in which he informed me that Kodak would not provide a representative of Chipworks to be deposed.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 3, 2008, at Washington, District of Columbia.

By: Matth A [illegible]
MATTHEW A. LEVY