UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COLOR KINETICS INC.,	)	
Plaintiff,	)	
v.	)	Civil Action No. 1:03-cv-12491-MEL
TIR SYSTEMS LTD,	)	
Defendant.	)	

DECLARATION OF KERRY A. MALLOY IN SUPPORT OF DEFENDANT'S MOTION TO SCHEDULE A SETTLEMENT CONFERENCE AND TO STAY DISCOVERY PENDING THE PARTIES' EXCHANGE OF PRELIMINARY CONTENTIONS AND THE SETTLEMENT CONFERENCE

I, Kerry A. Malloy, hereby declare as follows:

1. I am a lawyer at the firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel to the Defendant in this action.

2. Attached hereto as Exhibit A is a true and accurate copy of Color Kinetics' First Set of Interrogatories.

3. Attached hereto as Exhibit B is a true and accurate copy of Color Kinetics' First Set of Requests for the Production of Documents and Things.

4. Attached hereto as Exhibit C is a true and accurate copy of Judge Stearn's opinion in *Faro Techs., Inc. v. Panametrics, Inc.*, No. 03-11435-RGS, slip op. (D. Mass. July 9, 2004).

I declare that the foregoing is true and correct under penalty of the laws of perjury. Executed this 3rd day of September 2004.

/s/ Kerry A. Malloy