

1 **BROWN & BAIN, P.A.**
2 Alan H. Blankenheimer (#006164)
3 Jonathan M. James (#012204)
4 2901 North Central Avenue
5 Post Office Box 400
6 Phoenix, Arizona 85001-0400
7 (602) 351-8000

5 **KENYON & KENYON**
6 Paul Heller
7 Philip McCabe
8 Shawn O'Dowd
9 One Broadway
10 New York, New York 10004
11 (212) 425-7200

9 **GRAHAM & JAMES**
10 Cheryl L. Johnson
11 Martin J. Trupiano
12 Wayne M. Smith
13 801 S. Figueroa Street, 14th Floor
14 Los Angeles, California 90017-5554
15 (213) 624-2500

13 *Attorneys for Defendants Allegro Microsystems, Inc.,*
14 *Integrated Circuit Systems, Inc., Integrated Device*
15 *Technology, Inc., Intel Corporation, Microchip*
Technology, Inc. and VLSI Technology, Inc.

16 UNITED STATES DISTRICT COURT
17 DISTRICT OF ARIZONA

18 LEMELSON MEDICAL, EDUCATION &
19 RESEARCH FOUNDATION, LIMITED
20 PARTNERSHIP,

21 Plaintiff,

22 v.

23 INTEL CORPORATION, et al.,

24 Defendants.

No. CIV-98-1413-PHX PGR (HRH)

**DECLARATION OF JONATHAN M.
JAMES IN SUPPORT OF DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT OF INVALIDITY OF THE
AUTO ID PATENTS**

RECEIVED

SEP 14 1998 6:35

U.S. DISTRICT COURT
DISTRICT OF ARIZONA

BY: _____

25
26

1 I, JONATHAN M. JAMES, declare under penalty of perjury that the following statements
2 are true and correct to the best of my knowledge:

3 1. I am a partner with Brown & Bain, P.A., Phoenix, Arizona, counsel for Defendants
4 Allegro Microsystems, Inc., Integrated Circuit Systems, Inc., Integrated Device Technology, Intel
5 Corporation, Microchip Technology Incorporated and VLSI Technology, Inc. in this proceeding. I
6 am fully familiar with the proceedings herein and make this Declaration of my own knowledge, and
7 in support of Defendants' Motion For Partial Summary Judgment Of Invalidity Of The Auto ID
8 Patents.

9 2. Attached as Exhibit 1 is a true and correct copy of U.S. Patent Number 4,969,038
10 (Lemelson).

11 3. Attached as Exhibit 2 is a true and correct copy of U.S. Patent Number 5,119,205
12 (Lemelson).

13 4. Attached as Exhibit 3 is a true and correct copy of U.S. Patent Number 5,128,753
14 (Lemelson).

15 5. Attached as Exhibit 4 is a true and correct copy of U.S. Patent Number 5,144,421
16 (Lemelson).

17 6. Attached as Exhibit 5 is a true and correct copy of the Lemelson 1963 Application
18 (U.S. Serial Number 267,377)

19 7. Attached as Exhibit 6 is a true and correct copy of four pages (the pages containing
20 columns 1-4, 27-28 and figures 16-17) of U.S. Patent Number 3,539,715 (Lemelson).

21 8. Attached as Exhibit 7 is a true and correct copy of U.S. Patent Number 3,225,177
22 (Stites).

23 9. Attached as Exhibit 8 is a true and correct copy of two pages (page 1 and the page
24 containing columns 3 and 4) of U.S. Patent Number 4,118,730 (Lemelson).

25 10. Attached as Exhibit 9 is a true and correct copy of the Request for Reconsideration,
26 dated 12/23/76 (U.S. Serial Number 254,710).

1 11. Attached as Exhibit 10 is a true and correct copy of the Appeal Brief, dated 11/27/74
2 (U.S. Serial Number 254,710).

3 12. Attached as Exhibit 11 is a true and correct copy of an Exhibit entitled Lemelson
4 Auto ID Patent Claims: Anticipation by Stites Patent.

5 13. Attached as Exhibit 12 is a true and correct copy of pages 418-425 of *Reference Data*
6 *for Radio Engineers*, International Telephone and Telegraph Corporation (4th ed. 1956).

7 14. Attached as Exhibit 13 is a true and correct copy of the "Tube, Iconoscope" entry of
8 page 1192 of *The International Dictionary of Physics and Electronics*, D. Van Nostrand Company,
9 Inc. (2d ed. 1961).

10 15. Attached as Exhibit 14 is a true and correct copy of pages 1, 11-14, 23, 83 from *The*
11 *Bar Code Book*, Roger C. Palmer, Helmers Publishing, Inc. (3d ed. 1995).

12 Executed this 4th day of March, 1999, in Phoenix, Arizona.

13
14 
15 JONATHAN M. JAMES
16
17
18
19
20
21
22
23
24
25
26