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14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 PATRIOT SCIENTIFIC CORPORATION,

18 Plaintiff,

19 v.

20 CHARLES H. MOORE, TECHNOLOGY
21 PROPERTIES LTD., and DANIEL E.
LECKRONE,

22 Defendants.

Case No. C04 0618 JF (HRL)

**DECLARATION OF CHARLES H.
MOORE IN SUPPORT OF
DEFENDANTS CHARLES H.
MOORE AND TECHNOLOGY
PROPERTIES, LTD.'S MOTION
FOR DISQUALIFICATION OF
PLAINTIFF'S COUNSEL**

Date: February 4, 2005

Time: 10:00 AM

Place: Courtroom 2

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26 I, CHARLES H. MOORE, declare that:

27 1. I am a named defendant in this lawsuit and a named inventor on United States Patents

28 Nos. 5,440,749; 5,530,890; 5,604,915; 5,659,703; 5,784,584; 5,809,336; and 6,598,148. I make this

1 declaration based on my personal knowledge and, if called as a witness by the court, I could and
2 would be competent to testify to the matters set forth below.

3 2. On approximately August 2, 1989, I executed a document entitled Declaration and
4 Power of Attorney in which I designated Willis Higgins to represent me in prosecuting a patent
5 application pertaining to the Sh-Boom Microprocessor on behalf of myself and Russell Fish, III. I
6 understood at all times during my contact with Mr. Higgins and prosecution of the applications
7 leading to the patents listed in paragraph 1 that Mr. Higgins was my attorney for purposes of these
8 applications.

9 3. During prosecution of the applications that resulted in the patents listed in paragraph 1,
10 Mr. Higgins forwarded to me correspondence between himself and the United States Patent Office
11 ("USPTO"), and I understood that he was acting on my behalf in his interactions with the USPTO.

12 4. I do not recall Mr. Higgins ever suggesting that he was not my attorney during the
13 years he prosecuted these applications. Nor do I recall Mr. Higgins ever taking actions during
14 prosecution of these patents that led me to doubt he was acting as my attorney in relation to the
15 prosecution of these applications. Therefore, I continued to believe that Mr. Higgins was acting as my
16 attorney for the purposes of prosecuting the patents listed in paragraph 1.

17 5. I provided Mr. Higgins with information pertaining to the patent applications that I
18 believed to be confidential, and understood that he would treat the information as confidential.

19 6. Mr. Higgins has never asked me to waive the attorney-client privilege pertaining to my
20 communications with him, nor have I knowingly provided any such waiver.

21 7. Mr. Higgins has never asked my permission to divulge any of my communications
22 with him to Patriot Scientific Corporation or those working on its behalf in this lawsuit, nor have
23 knowingly I provided any such permission.

24 8. Mr. Higgins has never asked for my consent to his assisting Patriot Scientific
25 Corporation in any dispute related to the patents listed in paragraph 1, nor have I knowingly provided
26 any such consent.


27 9. Mr. Higgins has never asked for my consent to his representing any party adverse to me
28 in connection with any dispute pertaining to the patents listed in paragraph 1, nor have I knowingly

1 provided any such consent.

2 10. Mr. Higgins has not requested that I release him from any duty he owes to me by virtue
3 of his prosecuting the patents listed in paragraph 1 on my behalf, nor have I knowingly provided any
4 such release.

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

7 Executed this 16th, day of December 2004, at Sierra City, California.

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9 
10 Charles H. Moore

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