

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO.: 02 CV 11137 MEL

COLOR KINETICS INCORPORATED,

Plaintiff

v.

SUPER VISION INTERNATIONAL,
INC.

Defendant.

SUPER VISION INTERNATIONAL, INC.'S
NOTICE OF FILING DECLARATION OF PAUL A. MILLER

SUPER VISION INTERNATIONAL, INC. hereby gives notice of this filing of the attached Declaration of PAUL A. MILLER, dated May 20, 2005, submitted in opposition to Color Kinetics Incorporated's motions for summary judgment in this case.

Respectfully submitted, this 26th day of May, 2005.

s/ J. Wayne Crosby
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**DECLARATION OF PAUL A. MILLER IN OPPOSITION OF
COLOR KINETICS, INC.'S MOTION FOR SUMMARY JUDGMENT AGAINST
SUPER VISION INTERNATIONAL, INC.**

Paul A. Miller hereby submits this declaration in opposition of Color Kinetic's Summary Judgment Against Super Vision International, Inc., and states the following:

1. My name is Paul A. Miller. I am over the age of 18 years, am competent to testify and make the declarations below. I make the statements below based on my own personal knowledge.
2. I consent to the use of this declaration in the above matter for all purposes.
3. My educational background includes degrees in Electrical Engineering from MIT.

4. I have more than 26 years of experience in the field of engineering and product development of LED signs and displays.
5. I am the Founder and Vice-President of Sunrise Systems, Inc. of Pembroke, Massachusetts.
6. Sunrise Systems is a pioneer in the area of LED signs and displays and is one of the oldest manufacturers of LED based systems in the United States.
7. Our company built its first LED sign in 1979. That sign had a fade in/out command which used ramped Pulse Width Modulation to progressively dim the LEDs.
8. We built an RGB video display in 1995 using Cree blue SiC LEDs in the basement of the Sanders Theater - Memorial Hall at Harvard University. It is still working. That sign uses Pulse Width Modulation to implement gray scales on each of the RGB primaries.
9. Our very first LED sign built in 1979 contained and utilized claims 1, 3 and our next model LED sign built in 1982 contained and utilized claims 1, 2, 3, and our RGB LED display built in 1995 contained and utilized claims 1, 2, 3, 14, 15, 16, 17, 18, 25 that were later filed by Color Kinetics in their first patent filing in August of 1997, Patent #6,016,038.
10. No reasonable person skilled in the art would state that the claims contained in the patent

mentioned above (with the possible exception of claim 22 utilizing an inclinometer) or the vast majority, if not all, of the claims in subsequent Color Kinetics patent numbers 6,150,774 filed in October 1998, 6,211,626 filed in December 1998, 6,340,868 filed in July 27, 2000 and 6,528,954 filed in December 1998 related to packaging and interconnections, variable voltage control, dimming, programmable controllers, individually addressable circuitry and other means of utilizing and mixing LEDs in color changing systems were not either a) commonly known and employed in the electronic sign industry for many years prior to the filing dates, or b) obvious and trivial applications of standard engineering techniques applicable to a wide range of industries.

11. The CK patents are a shameless abuse of the patent process for they are a clear attempt at monopolizing the prior art practiced decades earlier in our industry. If these patents are upheld against Super Vision the entire industry will be placed in jeopardy.

FURTHER, AFFIANT SAYETH NOT.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 20th day of May, 2005.



Paul A. Miller