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15 *Attorneys for Defendant Cree, Inc.*

16 **UNITED STATES DISTRICT COURT**
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

18 Document Security Systems, Inc.,
19 Plaintiff,
20 v.
21 Cree, Inc.,
22 Defendant.

Case No. 2:17-cv-04263-JVS-JCG

**DECLARATION OF JOHN A.
DEMOS IN SUPPORT OF
DEFENDANT CREE, INC.’S
MOTION TO TRANSFER
VENUE PURSUANT TO 28
U.S.C. § 1404(a)**

23 I, John A. Demos, declare as follows:

24 1. I am currently Associate General Counsel for Intellectual Property
25 for Cree, Inc. I have personal knowledge of the facts set forth in this declaration,
26 and if called to do so, could and would testify completely thereto.

27 2. Cree, Inc. (“Cree”) is a corporation organized under the laws of the
state of North Carolina with a principal place of business in Durham, North
Carolina.

3. Cree currently has approximately 5,990 employees worldwide with
approximately 3,500 located in the United States. Of those 3,500 U.S.
employees, about 2,420 work in or around Durham, North Carolina.

1 4. Cree is headquartered in Durham, North Carolina and has other
2 United States facilities in Research Triangle Park, North Carolina, Racine,
3 Wisconsin and Goleta, California.

4 5. A substantial amount of Cree's manufacturing facilities are located
5 in North Carolina. Certain of Cree's manufacturing concerning packaging of
6 components is located in China. Cree's facilities in Racine, Wisconsin,
7 manufactures lighting fixtures (not bulbs). Cree's facility in Goleta, California
8 (a.k.a. the Santa Barbara Technology Center or "SBTC") engages in research
9 and development. While certain technology developed at SBTC may be
10 incorporated in certain Cree products, the SBTC facility is not responsible for
11 the production, manufacture, sale, or marketing of any product.

12 6. I have been made aware of the Cree products which are alleged in
13 the Complaint to be infringing certain patents allegedly owned by Document
14 Security Systems, Inc. ("DSS"). As I understand the DSS allegations, the
15 accused products are: XLamp ML-B, ML-C, ML-E, MX-3S, XR-C, XR-E, MC-
16 E, CLM1, CLM2, CLM3, CLM4, CLP6, SMD Full Color, SMD Full Color
17 Side-View, XP-G2, XB-D, XB-H, XH-B, XH-G, XHP35, XM-L, XM-L2, XP-
18 C, XP-E, XP-G, XP-L, XM-L2, XP-C, XP-E, XP-E2, XP-G, XP-G2, XP-G3,
19 XP-L, XP-I2, XQ-A, XQ-B, XQ-D, XQ-E, XT-E, MHB-A, MHB-B, MHD-E,
20 MHD-G, MK-R, MK-R2, MT-G, XHP, CLM, CLV, CLX, CLY, SLV.

21 7. The corporate records concerning the structure, operation and
22 manufacture of the above listed accused products, as well as the corporate
23 records concerning the financial expenditures associated with the accused
24 products and the revenues associated with the sale of these accused products are
25 located in Durham North Carolina.

26 8. While Cree has not completed its review of the matter, Cree has
27 identified certain employees with knowledge of the records concerning the


1 records relating to the company's general finances. Charles Lesko has
2 knowledge concerning Cree's practices and records relating to Cree's sales of
3 the accused products. Craig Hardin has knowledge concerning Cree's practices
4 and records relating to Cree's marketing of the accused products. Chris Hussell,
5 Jesse Reiherzer, and Colin Blakely have knowledge concerning the engineering,
6 structure, operation and manufacturing of the accused products. All these
7 witnesses are located in North Carolina. To the extent Cree identifies other
8 witnesses regarding the structure of the accused products, Cree expects such
9 witnesses to be located in North Carolina.

10 9. Cree is not presently aware of any material evidence concerning the
11 production, manufacture, sale, or marketing of accused products located in the
12 SBTC facility.

13 10. Cree has no facilities or place of business in Texas and is unaware
14 of any evidence within Texas that is in its possession, custody or control relevant
15 to the claims of this matter.

16
17 I declare under penalty of perjury under the laws of the United States that
18 the foregoing is true and correct.

19 Executed this 28th day of August, 2017.

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21 
22 John A. Demos
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