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Attorneys for Plaintiff
Document Security Systems, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DOCUMENT SECURITY SYSTEMS,
INC.,

Plaintiff,

v.

EVERLIGHT ELECTRONICS CO.,
LTD., and EVERLIGHT AMERICAS,
INC.,

Defendants.

Case No. 2:17-cv-04273-JVS-JCG

**DECLARATION OF JACOB
BUCZKO IN SUPPORT OF
DOCUMENT SECURITY
SYSTEMS, INC.'S OPPOSITION
TO EVERLIGHT ELECTRONICS
CO., LTD. AND EVERLIGHT
AMERICAS, INC.'S MOTION TO
DISMISS PLAINTIFF'S FIRST
AMENDED COMPLAINT**

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1 I, Jacob Buczko, declare and state as follows:

2 1. I am a member of the State Bar of California and a attorney at the firm
3 of Russ, August & Kabat, counsel for Plaintiff Document Security Systems, Inc.
4 (“DSS”) in the above captioned action. I have personal knowledge of the facts set
5 forth in this declaration, and if called upon to testify, could and would testify
6 competently about these facts.

7 2. Attached as **Exhibit 1** is a true and correct copy of an email from Ben
8 Davidson, counsel for Everlight, to counsel for DSS regarding a meet and confer
9 for the Complaint under Local Rule 7-3, dated August 31, 2017.

10 3. Attached as **Exhibit 2** is a true and correct copy of an email from
11 Michael Bednarek, counsel for Everlight, to counsel for DSS regarding a meet and
12 confer for the First Amended Complaint under Local Rule 7-3, dated September
13 29, 2017.

14 4. Attached as **Exhibit 3** is a true and correct copy of Civil Minutes in
15 *Sockeye Licensing TX, LLC v. Lenovo (US), Inc.*, No. SACV 17-05266 JVS
16 (DFMx), D.E. 27 (C.D. Cal. October 11, 2017).

17 5. Attached as **Exhibit 4** is a true and correct copy of Civil Minutes in
18 *Carl Zeiss AG v. Nikon Corp.*, No. SACV 17-03221 RGK (MRW), D.E. 46 (C.D.
19 Cal. September 27, 2017).

20 6. Attached as **Exhibit 5** is a true and correct copy of Everlight
21 Americas' Corporate Profile page from its website <https://everlightamericas.com>.

22 7. Attached as **Exhibit 6** is a true and correct copy of Everlight
23 Americas' News pages from its website <https://everlightamericas.com>.

24 8. Attached as **Exhibit 7** is a true and correct copy of Everlight
25 Americas' FAQ page from its website <https://everlightamericas.com>.

26 9. Attached as **Exhibit 8** is a true and correct copy of an order in
27 *Everlight Electronics Co., Ltd. v. Bridgelux, Inc.*, No. SACV 17-03363 JSW, D.E.
28 62 (N.D. Cal. October 11, 2017).

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10. Attached as **Exhibit 9** is a true and correct copy of Everlight Americas' Datasheet regarding Luminosity Full Color LED EAPL32328RGBA0, available at https://everlightamericas.com/index.php?controller=attachment&id_attachment=2747.

11. Attached as **Exhibit 10** is a true and correct copy of Everlight Americas' North American Authorized Distributors page from its website <https://everlightamericas.com>.

12. On October 2, 2017, I met and conferred with counsel for defendants concerning this planned motion. I was the only DSS attorney on the call. During the meet and confer, I did not confirm, nor did counsel for Everlight send any confirmation of the understanding “that DSS does not contend that each Defendant takes every action attributed to ‘Defendants’ collectively” as Everlight states on page 4 of its Motion. To the contrary, I confirmed with counsel for Everlight that the allegations in the First Amended Complaint attributed to “Defendants” should be construed according the plain reading of and definitions in the FAC. Furthermore, I expressed concern that Everlight, after not bringing up any purported issue with alleged “conflating” of entities in prior correspondence, was basing its planned motion on positions that directly contradict the public record and Everlight’s own public statements, thus posing an unnecessary and improper burden on the Court and the parties.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 23, 2017, at Los Angeles, California.

By: /s/ Jacob Buczko
Jacob Buczko

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CERTIFICATE OF SERVICE

I certify that on October 23, 2017, a true and correct copy of this document was served in accordance with Federal Rules of Civil Procedure and L.R. CV-5 on all known counsel of record by electronic service via the Court’s CM/EMF system.

/s/ Jacob Buczko
Jacob Buczko

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