

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KONINKLIJKE PHILIPS N.V.,
U.S. PHILIPS CORPORATION,

Plaintiffs,

v.

ACER INC.,
ACER AMERICA CORPORATION,

Defendants.

)
)
)
)
) C.A. No. 15-1170-UNA
)
) JURY TRIAL DEMANDED
)
)
)
)
)
)
)

DECLARATION OF MAILING

I, Benjamin A. Smyth, declare as follows:

1. I am an attorney at the law firm of McCarter & English, LLP, counsel to Plaintiffs Koninklijke Philips N.V. and U.S. Philips Corporation in this action.
2. Defendant Acer America Corporation is an entity whose registered agent is CT Corporation System, 818 W. 7th St., Ste. 930, Los Angeles, CA 90017.
3. On December 18, 2015, true and correct copies of the Summons, Complaint and related documents were sent by Federal Express overnight delivery pursuant to 10 *Del. C.* § 3104 to Acer America Corporation, c/o CT Corporation System 818 W. 7th St., Ste. 930, Los Angeles, CA 90017. *See* Exhibit A.
4. On December 22, 2015 McCarter & English, LLP received notification that Acer America, Corporation received said documents on December 21, 2015. *See* Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: December 22, 2015

MCCARTER & ENGLISH, LLP

/s/ Benjamin A. Smyth

Michael P. Kelly (#2295)

Daniel M. Silver (#4758)

Benjamin A. Smyth (#5528)

Renaissance Centre

405 N. King Street, 8th Floor

Wilmington, Delaware 19801

(302) 984-6300

mkelly@mccarter.com

dsilver@mccarter.com

bsmyth@mccarter.com

OF COUNSEL:

Attorneys for Plaintiffs

Michael P. Sandonato

John D. Carlin

FITZPATRICK, CELLA, HARPER &
SCINTO

1290 Avenue of the Americas

New York, New York 10104-3800

(212) 218-2100

msandonato@fchs.com

jcarlin@fchs.com

EXHIBIT A

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Delaware

KONINKLIJKE PHILIPS N.V.,
U.S. PHILIPS CORPORATION,

Plaintiff(s)

v.

ACER INC.,
ACER AMERICA CORPORATION,

Defendant(s)

Civil Action No.

15cv 1170

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Acer America Corporation
c/o CT Corporation System
818 West Seventh St., Ste. #930
Los Angeles, CA 90017

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

McCarter & English, LLP
Daniel M. Silver, Esq.
Renaissance Centre
405 N. King Street, 8th flr.
Wilmington, DE 19801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

12/18/15



Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.: _____

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.