

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ANCORA TECHNOLOGIES, INC.)	CIVIL ACTION NO. 1:20-CV-00034-ADA
)	
Plaintiff,)	JURY TRIAL DEMANDED
)	
vs.)	
)	
LG ELECTRONICS INC. and LG)	RESTRICTED –
ELECTRONICS U.S.A., INC.)	CONFIDENTIAL SOURCE CODE
)	ATTORNEYS’ EYES ONLY
)	
Defendants.)	

**REBUTTAL EXPERT REPORT OF DR. DAVID MARTIN ON INVALIDITY
REGARDING LG ELECTRONICS INC. AND LG ELECTRONICS U.S.A., INC.**

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1. My name is Dr. David Martin. I am an independent software consultant with 40 years of professional experience with computer software, the Internet, and associated technologies. I have been previously retained by Ancora Technologies, Inc. (“Ancora”) to provide expert opinions in the above-captioned litigation.

2. I have previously served an expert report in this litigation, which I incorporate herein by reference. Among other things, my qualifications are set forth in the Opening Expert Report of Dr. David Martin Regarding LG Electronics Inc. and LG Electronics U.S.A., Inc., which includes my Curriculum Vitae as an attachment. My Curriculum Vitae has not changed in any material respect since my Opening Expert Report was served.

3. I receive compensation of \$525 per hour for my time working on this matter plus expenses. My compensation is not dependent on the outcome of this litigation and I have no personal interest in it. The conclusions I present are due to my own judgment.

4. In this report, I respond to the expert report that LG Electronics Inc. and LG Electronics U.S.A., Inc. (“Defendants” or “LG”) provided: the Expert Report of Suzanne Barber dated January 22, 2021 (“the Barber Report”). Dr. Barber makes reference to further reports provided by Samsung, and I have considered these reports as well: the Expert Report of Dr. Scott M. Nettles dated November 20, 2020 (“the Nettles Report”); Expert Report of Dr. Marwan Hassoun dated November 20, 2020 (“the Hassoun Report”); Expert Report and Declaration of Dr. William A. Arbaugh dated November 20, 2020 (“the Arbaugh Report”); and Expert Report and Declaration of Dr. Michael W. Hicks dated November 20, 2020 (“the Hicks Report”) (collectively, “the Samsung Expert Reports”).

5. Having reviewed the Samsung Expert Reports, I understand that the Hassoun Report, the Arbaugh Report, and the Hicks Report offer opinions regarding an appropriate priority date for certain art references. I further understand that these three reports do not opine on the validity of the ’941 patent. For example, neither the Arbaugh Report nor the Hicks Report even mentions the ’941 patent. The Hassoun Report, in turn, is limited to addressing whether “source code identified by Ancora in its response to Defendants’ Interrogatory No. 10 and related material... include[d] source code from before the filing date of the ’941 patent that shows storing any key or license information in the memory of the BIOS” or “checking the existence of any type of key.” Hassoun Report ¶ 17. In citing the materials considered for his report, Dr. Hassoun does not identify or

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