

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CYWEE GROUP LTD.,

Plaintiff,

SAMSUNG ELECTRONICS CO., LTD.
AND
SAMSUNG ELECTRONICS AMERICA,
INC.

Defendants.

CASE NO. 2:17-cv-00140-RWS-RSP

JURY TRIAL DEMANDED

**DECLARATION OF CHRISTOPHER L. EVANS IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION TO
STRIKE CYWEE'S ALLEGEDLY UNTIMELY INFRINGEMENT CHARTS**

I, Christopher L. Evans, declare as follows:

1. I am a partner at Shore Chan DePumpo LLP and counsel of record for CyWee in the above-captioned matter. I am over the age of 21, and competent to make this declaration. All the statements set forth herein are true and correct and are based upon my personal knowledge.

2. Attached as Exhibit A is a true and correct copy of CyWee's infringement contentions, served on July 12, 2017.

3. Attached as Exhibit B is a true and correct copy of Exhibit 1 to CyWee's infringement contentions showing in detail how the Samsung S7 Edge infringes claims of the '438 patent.

4. Attached as Exhibit C is a true and correct copy of Exhibit 2 to CyWee's infringement contentions showing in detail how the Samsung S7 Edge infringes claims of the '978 patent.

5. CyWee was unaware of the Galaxy J7 V when it served its original initial infringement contentions. It appears that this product was released in March 2017.

6. CyWee could not obtain the Galaxy J7 (the accused 2017 edition) and the Galaxy S8 Active for reverse engineering before July 12, 2017 because these were new products. The Galaxy J7 (2017) was released in the U.S. in July 2017, and the Galaxy S8 Active was released in August 2017. *See* [https://www.gsmarena.com/samsung_galaxy_j7_\(2017\)-8675.php](https://www.gsmarena.com/samsung_galaxy_j7_(2017)-8675.php); <https://www.androidauthority.com/samsung-galaxy-s8-active-specs-price-release-date-790420>.

7. Attached as Exhibit D is a true and correct copy of a letter received from Samsung's counsel to CyWee's counsel, dated August 18, 2017.

8. CyWee could not obtain the Galaxy Note 7 for reverse engineering due to a worldwide recall. *See* <http://www.samsung.com/us/note7recall/>.

9. Attached as Exhibit E is a true and correct copy of correspondence between CyWee's counsel and Samsung's counsel, dated September 5, 2017.

10. Attached as Exhibit F is a true and correct copy of correspondence from CyWee's counsel to Samsung's counsel, dated September 18, 2017.

11. Attached as Exhibit G is a true and correct copy of Exhibit 29 to CyWee's infringement contentions showing in detail how the Samsung Note7 infringes claims of the '438 patent. This chart was served to Samsung's counsel on September 18, 2017.

12. Attached as Exhibit H is a true and correct copy of Exhibit 30 to CyWee's infringement contentions showing in detail how the Samsung Note7 infringes claims of the '978 patent. This chart was served to Samsung's counsel on September 18, 2017.

13. Attached as Exhibit I is a true and correct copy of Exhibit 31 to CyWee's infringement contentions showing in detail how the Samsung Galaxy J7 infringes claims of the '438 patent. This chart was served to Samsung's counsel on September 18, 2017.

14. Attached as Exhibit J is a true and correct copy of Exhibit 32 to CyWee's infringement contentions showing in detail how the Samsung Galaxy J7 infringes claims of the '978 patent. This chart was served to Samsung's counsel on September 18, 2017.

15. Attached as Exhibit K is a true and correct copy of Exhibit 33 to CyWee's infringement contentions showing in detail how the Samsung Galaxy J7 V infringes claims of the '438 patent. This chart was served to Samsung's counsel on September 18, 2017.

16. Attached as Exhibit L is a true and correct copy of Exhibit 34 to CyWee's infringement contentions showing in detail how the Samsung Galaxy J7 V infringes claims of the '978 patent. This chart was served to Samsung's counsel on September 18, 2017.

17. Attached as Exhibit M is a true and correct copy of Exhibit 35 to CyWee's infringement contentions showing in detail how the Samsung Galaxy S8 Active infringes claims of the '438 patent. This chart was served to Samsung's counsel on September 18, 2017.

18. Attached as Exhibit N is a true and correct copy of Exhibit 36 to CyWee's infringement contentions showing in detail how the Samsung Galaxy S8 Active infringes claims of the '978 patent. This chart was served to Samsung's counsel on September 18, 2017.

19. CyWee wanted to obtain each accused phone to independently confirm that each phone contained hardware required by the patents-in-suit, including a 6-axis or 9-axis motion sensor module and to independently confirm the specific sensors contained in each phone. To do this required the installation of specialized software on each phone, and CyWee was unable to obtain this information without a physical sample of each device.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated: October 25, 2017

/s/ Christopher Evans
Christopher Evans