

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

ANCORA TECHNOLOGIES, INC.,

Plaintiff,

v.

LG ELECTRONICS, INC. and LG  
ELECTRONICS U.S.A., INC.,

Defendants.

CIVIL ACTION NO. 1:20-CV-00034-ADA

JURY TRIAL DEMANDED

ANCORA TECHNOLOGIES, INC.,

Plaintiff,

v.

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

Defendants.

CIVIL ACTION NO. 1:20-CV-00034-ADA

JURY TRIAL DEMANDED

**DECLARATION OF THOMAS E. GARTEN IN SUPPORT OF DEFENDANTS  
SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA,  
INC.'S MOTIONS FOR SUMMARY JUDGMENT**

I, Thomas E. Garten, declare and state as follows:

1. I am over the age of eighteen years, of sound mind, and competent to make this declaration. I am an attorney at the law firm of Covington & Burling LLP and represent Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. ("Samsung") in the above-captioned case. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I would testify competently to these facts.

2. Attached as **Exhibit 1** to this Declaration is a true and correct copy of U.S. Patent No. 6,411,941 (“’941 Patent”).

3. Attached as **Exhibit 2** to this Declaration is a true and correct copy of excerpts from the file history of the ’941 Patent (ANCORA\_00000229 – ANCORA\_00000480).

4. Attached as **Exhibit 3** to this Declaration is a true and correct copy of the Opening Expert Report of Dr. David Martin, dated November 20, 2020.

5. Attached as **Exhibit 4** to this Declaration is a true and correct copy of excerpts from the Samsung Accused Phones and Tablets appendix to the Opening Expert Report of Dr. David Martin, dated November 20, 2020.

6. Attached as **Exhibit 5** to this Declaration is a true and correct copy of the Samsung Accused Smart TVs appendix to the Opening Expert Report of Dr. David Martin, dated November 20, 2020.

7. Attached as **Exhibit 6** to this Declaration is a true and correct copy of excerpts from the Expert Report of Dr. Scott M. Nettles, dated November 20, 2020.

8. Attached as **Exhibit 7** to this Declaration is a true and correct copy of excerpts from the Rebuttal Expert Report of Dr. Scott M. Nettles, dated December 21, 2020.

9. Attached as **Exhibit 8** to this Declaration is a true and correct copy of excerpts from the deposition transcript of Kyoung-Heun Shin, dated November 11, 2020.

10. Attached as **Exhibit 9** to this Declaration is a true and correct copy of Defendants’ Supplemental Objections and Responses to Plaintiff’s Eighth Set of Interrogatories (No. 20), dated November 11, 2020.

11. Attached as **Exhibit 10** to this Declaration is a true and correct copy of excerpts from the deposition transcript of Dr. David Martin, dated January 15, 2021.

12. Attached as **Exhibit 11** to this Declaration is a true and correct copy of a Declaration from Dr. Steven R. Kursh dated January 29, 2021 and attaching the Expert Report of Dr. Steven R. Kursh, dated December 21, 2020.

13. Attached as **Exhibit 12** to this Declaration is a true and correct copy of a presentation titled “OTN (Over the Network) Details - Open API” (SAMSUNG\_ANCORA\_0015300 – SAMSUNG\_ANCORA\_00153005).

14. Attached as **Exhibit 13** to this Declaration is a true and correct copy of a presentation titled “Samsung Smart TV - OTN Infra 구성도” (SAMSUNG\_ANCORA\_0281015) and translation.

15. Attached as **Exhibit 14** to this Declaration is a true and correct copy of excerpts from Ancora Technologies, Inc.’s Response to Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.’s First Set of Requests for Admission, dated November 19, 2020.

16. Attached as **Exhibit 15** to this Declaration is a true and correct copy of excerpts from the deposition transcript of Dr. David Martin, dated January 14, 2021.

17. Attached as **Exhibit 16** to this Declaration is a true and correct copy of the Settlement, Release, License, and Covenant Not-to-Sue Agreement between Microsoft Corporation and Ancora Technologies, Inc., dated November 6, 2009 (ANCORA\_00000502 – ANCORA\_00000510).

18. Attached as **Exhibit 17** to this Declaration is a true and correct copy of excerpts from Ancora Technologies, Inc.’s First Supplemental Response to Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.’s First Set of Interrogatories, dated November 13, 2020.

19. Attached as **Exhibit 18** to this Declaration is a true and correct copy of the Declaration of Miki Mullor, dated December 18, 2020.

20. Attached as **Exhibit 19** to this Declaration is a true and correct copy of the Expert Report of Dr. Marwan Hassoun, dated November 20, 2020.

21. Attached as **Exhibit 20** to this Declaration is a true and correct copy of a screenshot of a folder Ancora produced natively in production ANCORA\_SC\_001\ANCA 1026\Vxd.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. This declaration was executed on January 29, 2021, in Oakland, CA.

Dated: January 29, 2021

Respectfully submitted,

/s/ Thomas E. Garten

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