

**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-0034

JURY TRIAL DEMANDED

ANCORA TECHNOLOGIES, INC.,

Plaintiff,

v.

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

Defendants.

CIVIL ACTION NO. 1:20-CV-0034

JURY TRIAL DEMANDED

**DECLARATION OF STEVEN M. SEIGEL**

**Table of Exhibits**

<b>Ex.</b>	<b>Document Description</b>
1.	U.S. Patent No. 6,411,941 B1 (Mullor, et al.), dated June 25, 2002 <i>Exhibits 2 to 6: Excerpts of File History of U.S. Patent App. No. 09/164,777 ('941 Patent)</i>
2.	March 28, 2002 – Examiner Notice of Allowance, Amendments, and Interview Summary
3.	Feb. 5, 2002 – Amendments and Response to Jan. 15, 2002 Office Action
4.	Jan. 15, 2002 – Examiner Non-Final Rejection
5.	Dec. 6, 2001 – Amendments and Response to June 22, 2001 Office Action
6.	Nov. 9, 2001 – Examiner Interview Summary
7.	Declaration of Ian Jestice, <i>Ancora Techs., Inc. v. LG Electronics et al.</i> (W.D. Tex.) (March 19, 2020)
8.	Declaration of Ian Jestice, <i>Ancora Techs., Inc. v. Apple Inc.</i> (N.D. Cal.) (April 30, 2002)
9.	Declaration of Ian Jestice, <i>Ancora Techs., Inc. v. HTC et al.</i> (W.D. Wa.) (Aug. 26, 2019)
10.	THE TELECOMMUNICATIONS HANDBOOK (1999)

11.	MICROSOFT PRESS COMPUTER USER'S DICTIONARY (1998)
12.	MICROSOFT COMPUTER DICTIONARY (4th Ed. 1999)
13.	ENCYCLOPEDIA OF COMPUTER SCIENCE (4th Ed. 2000)
14.	PC MAGAZINE
15.	Ancora's Opening <i>Markman</i> Brief, <i>Ancora Techs., Inc. v. Toshiba et al.</i> (C.D. Cal) (Jan. 26, 2009) (excerpts)
16.	U.S. Patent No. 8,572,597 to Herle et al., assigned to Samsung Electronics Co., Ltd.
17.	U.S. Patent No. 9,674,578 to Kim et al., assigned to LG Electronics Inc.

### Declaration

I, Steven M. Seigel, hereby declare as follows:

1. I am an attorney in the law firm of Susman Godfrey, LLP. I am counsel for Plaintiff Ancora Technologies, Inc. ("Ancora"). I am admitted *pro hac vice* to practice before this Court, and I have personal knowledge of the matters set forth herein. If called as a witness, I could and would testify competently thereto.

2. I submit this declaration in support of Ancora's Opening Claim Construction Brief.

3. For the exhibits described below, some exhibits have been highlighted or otherwise marked for emphasis.

4. Attached to this declaration as **Exhibit 1** is a true and correct copy of U.S. Patent No. 6,411,941 B1, issued to Mullor, et al. and dated June 25, 2002 (the '941 Patent).

5. Attached to this declaration as **Exhibits 2 through 6** are true and correct copies of excerpts of the File History of U.S. Patent Application No. 09/164,777 which matured into the '941 Patent (the "'941 File History"). The excerpts are organized in reverse chronological order as follows:

- **Exhibit 2** – March 28, 2002 – Examiner Notice of Allowance, Amendments, and Interview Summary;
- **Exhibit 3** – Feb. 5, 2002 – Amendments and Response to Jan. 15, 2002 Office Action;
- **Exhibit 4** – Jan. 15, 2002 – Examiner Non-Final Rejection;

- **Exhibit 5** –Dec. 6, 2001 – Amendments and Response to June 22, 2001 Office Action; and
- **Exhibit 6** – Nov. 9, 2001 – Examiner Interview Summary.

6. Attached to this declaration as **Exhibit 7** is a true and correct copy of the March 19, 2020 Declaration of Ian Jestice submitted in support of Ancora’s Opening Claim Construction Brief in this matter.

7. Attached to this declaration as **Exhibit 8** is a true and correct copy of the April 30, 2002 Declaration of Ian Jestice submitted in *Ancora Techs., Inc. v. Apple Inc.* (N.D. Cal.).

8. Attached to this declaration as **Exhibit 9** is a true and correct copy of the August 26, 2019 Declaration of Ian Jestice submitted in *Ancora Techs., Inc. v. HTC America et al.* (W.D. Wash.).

9. Attached to this declaration as **Exhibit 10** is a true and correct copy of excerpts of THE TELECOMMUNICATIONS HANDBOOK (1999) containing a definition of the word “agent.”

10. Attached to this declaration as **Exhibit 11** is a true and correct copy of excerpts of the MICROSOFT PRESS COMPUTER USER’S DICTIONARY (1998) containing a definition of the word “agent.”

11. Attached to this declaration as **Exhibit 12** is a true and correct copy of excerpts of the MICROSOFT COMPUTER DICTIONARY (4th Ed. 1999) containing a definition of the word “agent.”

12. Attached to this declaration as **Exhibit 13** is a true and correct copy of excerpts of the ENCYCLOPEDIA OF COMPUTER SCIENCE (4th Ed. 2000) containing a definition of the word “agent.”

13. Attached to this declaration as **Exhibit 14** is a true and correct copy of a print-out of PC MAGAZINE submitted in the *Ancora v. HTC* case containing a definition of the word “agent.”

14. Attached to this declaration as **Exhibit 15** is a true and correct copy of excerpts of Ancora’s Opening *Markman* Brief in *Ancora Techs., Inc. v. Toshiba et al.* (C.D. Cal) (Jan. 26, 2009).

15. Additionally, Defendants Samsung Electronics, Co. Ltd. (“Samsung”), and LG Electronics, Inc., (“LG”) (collectively, “Defendants”) are collectively the assignees of at least 84 patents or patent applications that claim or describe a software agent as described below.

16. For instance, U.S. Patent No. 8,572,597 to Herle and assigned to Samsung Electronics Co., Ltd., a true and correct copy of which is attached as **Exhibit 16**, is entitled “Apparatus and method for performing an over-the-air software update in a dual processor mobile station.” It describes in numerous embodiments various software agents, including an “upgrade agent program that replaces first existing code associated with a first existing software file in the first memory with first replacement code from the downloaded software upgrade file,” Ex. 15, 2:44-48, and a “software update agent program . . . stored in the [nonvolatile] memory,” *id.*, 7:65-67. The claims also recite an agent. *See id.* Claim 14 (“The method as set forth in claim 13 further comprising executing in the first CPU a first upgrade agent program that replaces first existing code associated with a first existing software file in the first memory with first replacement code from the downloaded software upgrade file.”); *id.* Claim 15 (“The method as set forth in claim 14 wherein the first upgrade agent program is stored in the first memory.”).

17. As another example, U.S. Patent No. 9,674,578 to Kim et al. and assigned to LG Electronics Inc., a true and correct copy of which is attached as **Exhibit 17**, is entitled “Electronic device and method for information about service provider.” The specification describes a “software agent” that an “operating system” uses to receive information and take action in response to touch gestures. *See* Ex. 16, 9:10-16. The claims also recite an “agent.” *See* Claim 5 (“The method of claim 1, further comprising: storing a gesture operation program in a memory, wherein the gesture operation program senses occurrence of multiple gestures and includes commands informing at least one software agent of actions to be taken in response to the multiple gestures.”).

18. At least the following 54 patents and patent applications assigned to Samsung describe and/or claim an agent: US 7,043,532 B1; US 8,572,597 B2; US 6,198,479 B1; US 7,103,834 B1; US 7,490,293 B1; US 8,204,839 B2; US 9,928,462 B2; US 2016/0203386 A1; US 2018/0084424 A1; US 7,984,013 B2; US 7,797,340 B2; US 10,460,125 B2; US 8,311,670 B2; US 7,937,337 B2; US 10,568,073 B2; US 2019/0362718 A1; US 2020/0005784 A1; AU 2001272817 B2; CA 2345527 C; CA 2345526 C; CA 2345324 C; CN 100428222 C; CN 1619470 A; DE 60031378 T2; DE 69926368 T2; DE 60031107 T2; DE 60036604 T2; DE 60110037 T2; EP 1690370 B1; EP 1962476 A2; KR 20040024835 A; KR 20100046586 A; KR 20080058887 A; KR 20100059379 A; KR 20080074758 A; KR 20100073960 A; KR 20090007972 A; KR 0163710 B1; KR 20000044355 A; KR 20000044363 A; KR 20080022299 A; KR 20060086508 A; KR 20100042600 A; KR 20070042017 A; KR 20070041980 A; KR 20080074008 A; KR 20040019680 A; KR 20190142219 A GB 2475733 A; JP 2016207204 A; JP 4401155 B2; RU2310904 C1; TW 201812597 A; TW 201812596 A.

19. At least the following 30 patents and patent applications assigned to LG describe and/or claim an agent: US 7,305,696 B2; US 2012/0072873 A1; US 9,392,253 B2; US 2012/0262386 A1; US 9,674,578 B2; US 2012/0094626 A1; US 2012/0096406 A1; US 2013/0222874 A1; EP 2431895 B1; EP 2442221 B1; CN 1967502 A; KR 20020044665 A; KR 100225855 B1; KR 20070003454 A; KR 20030070420 A; KR 20010056679 A; KR 20060133399 A; KR 20190119549 A; KR 20090042037 A; KR 20190114932 A; KR 20110049055 A; KR 20200007983A; KR 20190096855 A; KR 20190080834 A; KR 20190080833 A; KR 20080026357 A WO 2013051770 A1; WO2013073747 A1; WO 2013032081 A1; WO 2013069850 A1.

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