

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

BANDSPEED, LLC,

Plaintiff,

v.

REALTEK SEMICONDUCTOR CORP.,

Defendant.

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Case No. 1:20-cv-00765

**DECLARATION OF JEFFREY L. JOHNSON IN SUPPORT OF
DEFENDANT’S RULE 12 MOTION TO DISMISS**

I, Jeffrey L. Johnson, declare:

1. I am a member of the State Bar of Texas and a partner with Orrick, Herrington & Sutcliffe LLP (“Orrick”), counsel of record for Defendant Realtek Semiconductor Corp. (“Realtek”) in this action. I submit this Declaration in support of Realtek’s Rule 12 Motion to Dismiss. I am over 18 years of age. I have personal knowledge of the facts set forth herein and, if called upon as a witness, I could competently testify to them under oath.

2. Attached hereto as Exhibit A is a true and correct copy of an email exchange between DiNovo Price LLP (“DiNovo”), counsel for Plaintiff Bandspeed, LLC (“Bandspeed”), and Orrick, including a PDF printout of a FedEx tracking page provided by Adam Price at DiNovo as an attachment to his email on February 23, 2022.

3. Attached hereto as Exhibit B is a true and correct copy of an email exchange between Orrick and the American Institute in Taiwan (“AIT”) on February 22-23, 2022, including the PDF provided by Orrick as an attachment to its email.

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.

Executed on February 28, 2022, at Houston, Texas.

/s/ Jeffrey L. Johnson
Jeffrey L. Johnson