

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

RFCYBER CORP.,	§	Case No. 6:21-cv-00916-ADA
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	
v.	§	
	§	
APPLE, INC.,	§	
	§	
Defendant.	§	
	§	

**DECLARATION OF PETER LAMBRIANAKOS IN SUPPORT OF
PLAINTIFF RFCYBER CORP.'S RESPONSE IN OPPOSITION TO APPLE'S
OPPOSED MOTION FOR INTRA-DISTRICT TRANSFER
TO THE AUSTIN DIVISION PURSUANT TO 28 U.S.C. § 1404(a) (DKT. 93)**

I, Peter Lambrianakos, hereby declare as follows:

1. I have personal knowledge of the facts set forth in this declaration. I am competent to testify as to all matters stated, and I am not under any legal disability which would in any way preclude me from testifying.
2. I am a Partner at the law firm of Fabricant LLP and counsel of record for Plaintiff RFCyber Corp., in this matter.
3. The exhibits attached to this declaration may contain annotations and/or excerpts of the originals.
4. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff's Disclosures of Asserted Claims and Infringement Contentions, dated December 21, 2021.
5. Attached hereto as Exhibit 2 is a true and correct copy of Appendix A to Plaintiff's Disclosures of Asserted Claims and Infringement Contentions, dated December 21, 2021.

6. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of the transcript of the Markman Hearing before The Honorable Alan D. Albright on September 13, 2022.

7. Attached hereto as Exhibit 4 is a true and correct copy of an email from Mark Scott to Counsel setting Markman hearing, dated August 29, 2022.

8. Attached hereto as Exhibit 5 is a true and correct copy of an email from John Guaragna to Mark Scott; Rebecca Jahnke requesting stay, dated September 2, 2022.

9. Attached hereto is Exhibit 6 is a true and correct copy of RFCyber Corp.'s Second Supplemental Objections and Responses to Defendant Apple Inc.'s First Set of Interrogatories Concerning Venue to Plaintiff RFCyber Corp. (Nos. 1-5), dated July 15 2022.

10. Attached hereto is Exhibit 7 is a true and correct copy of a document bearing Bates Nos. RFC-APPLE00011498 through RFC-APPLE00011508.

11. Attached hereto is Exhibit 8 is a true and correct copy of a document bearing Bates Nos. RFC-APPLE00011537 through RFC-APPLE00011547.

12. Attached hereto is Exhibit 9 is a true and correct copy of a document bearing Bates Nos. RFC-APPLE00011520 through RFC-APPLE00011536.

13. Attached hereto as Exhibit 10 is a true and correct copy of excerpts of the transcript of the deposition of Hsin Pan, dated August 2, 2022.

14. Attached hereto as Exhibit 11 is a true and correct copy of Plaintiff RFCyber Corp.'s Fourth Set of Venue Interrogatories (No. 6) to Defendant Apple, Inc., dated September 7, 2022.

15. Attached hereto as Exhibit 12 is a true and correct copy of Apple Inc.'s Responses to Plaintiff RFCyber Corp.'s Fourth Set of Venue Interrogatories (No. 6), dated September 9, 2022.

16. Attached hereto as Exhibit 13 is a true and correct copy of Apple Inc.'s First Supplemental Responses to Plaintiff RFCyber Corp.'s First Set of Venue Interrogatories (Nos. 1-3), dated June 30, 2022.

17. Attached hereto as Exhibit 14 is a true and correct copy of a document bearing Bates Nos. APL-RFC0916-00033501 through APL-RFC0916-00033687.

18. Attached hereto as Exhibit 15 is a true and correct copy of a document bearing Bates Nos. APL-RFC0916-00036018 through APL-RFC0916-00036036.

19. Attached hereto as Exhibit 16 is a true and correct copy of a document bearing Bates Nos. APL-RFC0916-00043987 through APL-RFC0916-00043995.

20. Attached hereto as Exhibit 17 is a true and correct copy of a document bearing Bates Nos. APL-RFC0916-00048060 through APL-RFC0916-00048077.

21. Attached hereto as Exhibit 18 is a true and correct copy of excerpts of the transcript of the deposition of Thien Pham, dated July 20, 2022.

22. Attached hereto as Exhibit 19 is a true and correct copy of excerpts of the transcript of the deposition of Deepak Kumar, dated July 27, 2022.

23. Attached hereto as Exhibit 20 is a true and correct copy of Apple Inc.'s Second Supplemental Responses to Plaintiff RFCyber Corp.'s First Set of Venue Interrogatories (Nos. 1-3), dated July 15, 2022.

24. Attached hereto as Exhibit 21 is a true and correct copy of the Declaration of Hsin (Sean) Pan, September 22, 2022.

25. Attached hereto as Exhibit 22 is a true and correct copy of a document bearing Bates Nos. APL-RFC0916-00042771 through APL-RFC0916-00042789.

26. Attached hereto as Exhibit 23 is a true and correct copy of excerpts of the transcript of the deposition of Divya Patnaik, dated July 26, 2022.

27. Attached hereto as Exhibit 24 is a true and correct copy of Apple Inc.'s Second Supplemental Responses to Plaintiff RFCyber Corp.'s Third Set of Venue Interrogatories (No. 5), dated July 15 2022.

28. Attached hereto as Exhibit 25 is a true and correct copy of the Declaration of Liang Seng Koh, September 22, 2022.

29. Attached hereto as Exhibit 26 is a true and correct copy of the Declaration of Fu-Liang Cho, September 22, 2022.

30. Attached hereto as Exhibit 27 is a true and correct copy of the Declaration of Fu-Tong (Adam) Cho, September 22, 2022.

31. Attached hereto as Exhibit 28 is a true and correct copy of the Declaration of Xiangzhen Xie, September 22, 2022.

32. Attached hereto as Exhibit 29 is a true and correct copy of the Declaration of Joe Zheng, September 22, 2022.

33. Attached hereto as Exhibit 30 is a true and correct copy of excerpts from the transcript of the Discovery Hearing held via Videoconference before The Honorable Derek T. Gilliland on June 13, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 23, 2022 in Summit, New Jersey.

/s/ Peter Lambrianakos
Peter Lambrianakos