

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

RFCyber CORP.,

Plaintiff,

v.

VISA U.S.A. INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§

Case No. 6:22-cv-00697-ADA

JURY TRIAL DEMANDED

**DECLARATION OF RICHARD M. COWELL
IN SUPPORT OF PLAINTIFF RFCYBER CORP.’S
RESPONSIVE CLAIM CONSTRUCTION BRIEF**

I, Richard M. Cowell, 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 that would in any way preclude me from testifying.

2. I am Counsel 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 A is a true and correct copy of the Claim Construction Memorandum and Order in *RFcyber Corp. v. Google LLC, Google Payment Corp., Sam Electronics Co., Ltd. and Samsung Electronics America, Inc.*, Dkt. 147, dated November 17, 2021.

5. Attached hereto as Exhibit B is a true and correct copy of the September 5, 2023 Declaration of Mark Jones in Support of RFCyber Corp.’s Opening Markman Brief.

6. Attached hereto as Exhibit C is a true and correct copy of the file history of U.S. Patent No. 8,118,218.

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

Executed on September 5, 2023 in Cranford, New Jersey.

/s/ Richard M. Cowell
Richard M. Cowell