

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:19-cv-00438-CMA-MEH

CELLECT, LLC, a Colorado Limited Liability Company,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., a Korean corporation, and
SAMSUNG ELECTRONICS AMERICA, INC., a New York corporation,

Defendants.

**DECLARATION OF JONATHAN S. CAPLAN IN SUPPORT OF PLAINTIFF
CELLECT, LLC'S OPPOSITION TO DEFENDANT'S MOTION TO STAY**

I, JONATHAN S. CAPLAN, declare as follows:

1. I am a partner at the law firm of Kramer Levin Naftalis & Frankel LLP, counsel for Plaintiff, Collect LLC ("Collect") in the above-captioned action. I am over the age of 18 and make this declaration based upon my personal knowledge and documents provided to me, in support of Collect's Memorandum in Support of its Opposition to Defendants' Motion to Stay.

2. On June 24, 2019, Collect served a first set of Requests For Production (RFPs) Nos. 1-10 in this action.

3. On January 28, 2020, Collect served a first set of Interrogatories Nos. 1-10 in this action.

4. On October 25, 2019, Samsung served a first set of Interrogatories Nos. 1-13 in this action.

5. On October 25, 2019, Samsung served a first set of RFPs Nos. 1-12 in this action.

6. On December 9, 2019, Samsung served a second set of Interrogatories (No. 14) in this action.

7. On November 11, 2019, Collect responded to Samsung's first set of RFPs Nos. 1-12.

8. On November 25, 2019, Collect responded to Samsung's first set of Interrogatories Nos. 1-13, and supplemented its response to Interrogatory No. 2 on December 20, 2019.

9. On January 8, 2020, Collect responded to Samsung's Interrogatory No. 14.

10. On July 24, 2019, Samsung responded to Collect's first set of RFPs Nos. 1-10.

11. On February 27, 2020, Samsung responded to Collect's first set of Interrogatories Nos. 1-10.

12. Between October 1, 2019 and February 28, 2020, Samsung made eight document productions to Collect in this action including user manuals, 3D CAD/CAM models, image sensor specifications, camera module specifications and processor specifications.

13. Attached as **Exhibit A** is a document prepared by counsel showing exemplary figures from prior art already considered by the United States Patent Office during prosecution of patent applications that issued into the Currently Asserted Patents, and exemplary figures from prior art in Samsung's IPR petitions (as highlighted by Samsung in its IPR petitions).

14. Attached as **Exhibit B** is a true and correct copy of PTAB's Trial Statistics, dated January 30, 2020.

15. Attached as **Exhibit C** is a true and correct copy of Cover Pleading Response to Samsung's Invalidity Contentions Pursuant to D.C. Colo.LPtR 10, dated March 13, 2020.

16. Attached as **Exhibit D** is a true and correct copy of a Transcript for the Discovery Hearing, dated July 30, 2019.

17. Attached as **Exhibit E** is a true and correct copy of *Davol, Inc. v. Atrium Medical Corp.*, C.A. No. 12-cv-958-GMS, 2013 WL 3013343 (D. Del. June 17, 2013).

18. Attached as **Exhibit F** is a true and correct copy of *Hunter Douglas, Inc. v. Nien Made Enter. Co.*, No. 13-cv-01412, 2014 WL 8807333 (D. Colo. Jan. 14, 2014).

19. Attached as **Exhibit G** is a true and correct copy of *Drink Tanks Corp. v. GrowlerWerks, Inc.*, No. 3:16-cv-410-SI, 2016 WL 3844209 (D. Or. July 15, 2016).

20. Attached as **Exhibit H** is a true and correct copy of *TruePosition, Inc. v. Polaris Wireless, Inc.*, C. A. No. 12-646-RGA/MPT, 2013 U.S. Dist. LEXIS 150764 (D. Del. Oct. 21, 2013).

21. Attached as **Exhibit I** is a true and correct copy of *Ivantis, Inc. v. Glaukos Corp.*, IPR2019-00483, Paper 8 (P.T.A.B. July 8, 2019).

22. Attached as **Exhibit J** is a true and correct copy of *Cultec, Inc. v. StormTech LLC*, IPR2017-00777, Paper 7 (P.T.A.B. Aug. 22, 2017).

23. Attached as **Exhibit K** is a true and correct copy of *Advanced Microscopy Inc. v. Carl Zeiss Microscopy, LLC*, Civil Action No. 15-516-LPS-CJB, 2016 WL 558615 (D. Del. Feb. 11, 2016).

24. Attached as **Exhibit L** is a true and correct copy of *Peloton Interactive, Inc. v. Flywheel Sports, Inc.*, Case No. 2:18-cv-00390-RWS-RSP, 2019 U.S. Dist. LEXIS 137774 (E.D. Tex. August 14, 2019).

25. Attached as **Exhibit M** is a true and correct copy of *Credit Card Fraud Control Corp. v. Maxmind, Inc.*, 3:14-cv-03262-M, 2015 WL 1879747 (N.D. Tex. April 24, 2015).

26. Attached as **Exhibit N** is a true and correct copy of *Cobalt Boats LLC v. Sea Ray Boats, Inc.*, Civil Action No. 2:15cv21, 2015 WL 2454296 (E.D. Va. May 21, 2015).

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

Executed on March 17, 2020, in New York, NY

/s/ Jonathan S. Caplan

Jonathan S. Caplan