EXHIBIT
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FACETEC, INC., *Plaintiff*, *v.* JUMIO CORPORATION, *Defendant*, and IPROOV LTD., *Intervenor-Defendant*	Case No. 5:24-cv-3623-RFL Declaration of Grant Kinsel in Opposition to Motion to Disqualify Date: 2/11/2025 Time: 10 a.m. Crt Rm: 15, Hon. R. Lin

I, Grant Kinsel, declare:

1. I make this declaration on the basis of personal knowledge, and if called to testify as a witness, I would and could testify competently hereto.

2. I am lead counsel for Jumio Corporation in the above-entitled matter. As lead counsel, I am responsible for all aspects of the litigation and have been so involved since Jumio retained us to represent them in this matter in July 2024.

3. Since July 2024, I have billed more than 200 hours supervising the various FaceTec/Jumio matters. In general, this would include reviewing pleadings, conducting both internal and external meetings, holding conferences with opposing counsel, reviewing research including prior art, detailed and in-depth review of the asserted patents and their file histories, and investigations into the accused technology. As lead trial counsel with more than thirty years of experience in the patent-litigation field—and given my extensive experience in matters involving both district court litigation and *inter partes* Review ("IPRs")—in my view it would be extremely costly, inefficient, and prejudicial for Jumio to have to retain new, experienced lead trial counsel to replace me in these proceedings.

4. Furthermore, to adequately defend Jumio in this matter, I have assembled a large team of highly-trained lawyers—including lawyers with experience as software engineers—to assist me and to represent Jumio. Collectively, this team has invested more than 900 hours preparing pleadings (including invalidity contentions), conducting research, reviewing prior art, reviewing the asserted patents, identifying, researching, and analyzing both written and system prior art, and working with subject-matter experts. The team has also reviewed and analyzed source code to understand the functionality of the accused products.

5. Our IPR team consists of at least five highly specialized and trained lawyers with, collectively, decades of experience practicing before the Patent Trial and Appeals Board (the "PTAB"). The lawyers on our PTAB team have collectively spent nearly 900 hours identifying, reviewing, and analyzing prior art and preparing

four separate IPR petitions—one for each asserted patent. Each IPR petition runs nearly 100 pages and analyzes in exhaustive technical depth and detail each limitation of the claims of the asserted patents and shows why each limitation is found in the asserted prior art. These petitions require hundreds of hours of technical review and investment and require our lawyers to work closely with the subject-matter expert witness who provided declarations in support of the petitions. This is a significant investment in legal work that Jumio has been forced to undertake by the allegations of this case.

6. As lead trial counsel, I am also responsible for implementing and supervising the ethical screen that Perkins Coie imposed when we were retained by Jumio. A true and correct copy of the email establishing the screen is attached as Ex "1" to this declaration.

7. The ethical screen was established upon the outset of our representation of Jumio. At that time, Jordan Becker was the only patent prosecutor who had worked on any patent matter for FaceTec who was still at the firm. Brian Coleman and Agatha Liu left the firm before we were engaged by Jumio for this matter. Since that time, Mr. Becker has left the firm. Prior to FaceTec's filing its motion on December 16, neither I nor any member of my team had spoken with any screened lawyer about the FaceTec litigation, reviewed any materials held by the firm associated with FaceTec, or sought information from or provided information to any screened Perkins Coie lawyer. Lowell Ness is located in Perkins Coie's Palo Alto office, as were Jordan Becker and Brian Coleman (when they were with the firm). Agatha Liu was in our New York, New York office until she left the firm. No member of the district-court litigation team is located in Palo Alto. The lawyers are in Seattle, WA (Kinsel, Delacenserie, Carl), Denver, CO (Kaiser, Knox), Madison, WI (Pekarek Krone), New York, NY (Lembo), and Washington, D.C. (Gao). The members of the IPR team are located in Seattle, WA (Kinsel, Carl, Delacenserie), Dever, CO (Kaiser, Knox), and New York, NY (Marando, Lembo, Carter).

8. Prior to FaceTec filing its motion on December 16, 2024, neither I nor any member of my team had seen any confidential FaceTec materials from any source, including from either Perkins Coie or Jumio. We had, of course, conducted research regarding FaceTec in *publicly available information*, including FaceTec's website and other public-facing sources (including, for example, FaceTec's Youtube channel (https://www.youtube.com/c/FaceTecVideos)). All information that my team and I have regarding FaceTec and its technology comes exclusively from publicly available sources available to any member of the public with an Internet connection. We did not ask for, search for, or receive any confidential FaceTec information from any source, including Perkins Coie and Jumio. We have, however, reviewed FaceTec's materials that it publicly filed in connection with its Motion to Disqualify.

9. I made my appearance in this case on August 7, 2015. That same day, I reached out to speak with counsel for FaceTec. I was able to speak with counsel for FaceTec on August 16. During that call, I told counsel for FaceTec that it appeared to Jumio that FaceTec's complaint largely targeted technology provided to iProov. I told FaceTec's counsel that Jumio was transitioning away from iProov's technology and that Jumio's proprietary technology did not infringe. I told counsel that in view of the fact that FaceTec's allegations appeared to be largely directed at iProov, FaceTec should dismiss Jumio from the case. At no time during this call, did FaceTec's counsel raise any issue with respect to Perkins Coie's former representation of FaceTec, and at no time, did FaceTec's counsel suggest that Perkins Coie had a conflict of interest such that disqualification would be appropriate.

10. On August 29, the parties held their Rule 26 conference. During that conference at no time did FaceTec's counsel raise any concerns with respect to Perkins Coie's former representation of FaceTec. Nor did FaceTec's counsel raise any concerns with discovery or any other concerns associated with Perkins Coie's

former representation of FaceTec. Counsel for FaceTec never raised any supposed conflicts of interest that would require disqualification.

11. On September 20, I again spoke with counsel for FaceTec about the litigation. During this call, I told counsel for FaceTec that I believed FaceTec and its counsel had failed to engage in adequate diligence in advance of filing this case. At no time during this September 20 conversation did counsel for FaceTec raise any concerns with respect to Perkins Coie's former representation of FaceTec. And at no time during this call did FaceTec's counsel suggest that Perkins Coie had a conflict of interest such that disqualification would be appropriate.

12. On October 8, I spoke with counsel for FaceTec and Trevor Chaplick, FaceTec's General Counsel. During the call, I again told FaceTec that I did not believe that FaceTec had conducted adequate diligence ahead of filing its case. Mr. Chaplick told me that FaceTec had sufficient money to pursue a "world-wide" litigation campaign against Jumio, and that unlike Jumio, FaceTec would not be constrained by its funding in litigating against Jumio. Neither FaceTec's outside counsel nor Mr. Chaplick raised any concerns about Perkins Coie's former representation of FaceTec, and neither raised any questions regarding purported conflicts of interest. Neither Mr. Chaplick nor FaceTec's outside counsel said anything about Perkins Coie having conflicts of interest sufficient to warrant disqualification. The first time that any representative from FaceTec raised any issue associated with Perkins Coie's former representation of FaceTec was in a letter I received from Nate Dilger on November 26.

13. Attached as Exhibits 2, 3, 4, and 5 are true and correct copies of the petitions Perkins Coie filed in behalf of Jumio in the PTAB challenging all claims of the asserted patents.

14. I have reviewed the billing records attached to the declaration of Stephen Porter showing all time entered by any lawyer doing patent-prosecution work for FaceTec. Each of the matter number references refer to either patents

applications or provisionals on which Perkins Coie worked. None of the docket references refer to either the '584 provisional or '505 application. There is a "general" patent matter number, but the limited time entered for that matter all occur in summer 2014, before Mr. Tussy claims to have conceived of the invention described in the 584 provisional or 505 application (in mid-2015). As the table below shows, the Perkins Coie Docket Nos. relate to applications other than the asserted patents or any of the applications in the priority chain of the asserted patents.

Perkins Coie Docket No.	Application
113050.8001.US00	US61/806281
113050.8001.US01	US61/812857
113050.8001.US02	US61/873305
113050.8001.US03	US14/229766
113050.8001.WO03	PCT/US14/53936
113050.8002.US00	US61/825976
113050.8002.US01	US14/284391
113050.8003.US00	US61/939417
113050.8003.US01	US14/621611
113050.8003.US02	29/497131
113050.8006.US00	62/024820
113050.8007.US00	62/033431
113050.8008.US00	62/025938

15. The Court entered its scheduling order on September 18, 2024. Among other deadlines, the court set invalidity contentions as due on December 27 (extended by stipulation to January 10), the deadline for exchange of proposed terms for construction on January 10, damages contentions on February 17, completion of claim construction discovery by March 27, and claim construction

briefing by May. While Jumio filed its motion to stay pending the IPRs on November 27, that motion—originally scheduled to be heard in January—has been continued to February 11 to coincide with FaceTec's motion to disqualify. As a consequence, even if the case is stayed as requested by Jumio, Jumio must continue to prepare its invalidity contentions and its claim construction positions.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed December 30, at Sun Peaks, BC.

Grant Kinsel

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record for the parties.

/s/ *Grant E. Kinsel*
Grant E. Kinsel