UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
FOSSIL GROUP, INC.,
FOSSIL STORES I, INC.,
FOSSIL PARTNERS, L.P.,
OURA HEALTH OY, AND
ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.

Petitioners,

v.

OMNI MEDSCI, INC.,

Patent Owner.

Case PGR2025-00063
Patent No. 12,268,475

DECLARATION OF JAMES NOWELL
IN SUPPORT OF PETITIONERS' OPPOSITION TO PATENT OWNER'S DISCRETIONARY DENIAL BRIEF

1. I, James Nowell, make the following Declaration pursuant to 28 U.S.C. § 1746: I am a Paralegal at the law firm of Sheppard, Mullin, Richter & Hampton LLP.

2. I provide this Declaration in connection with the above-identified Post Grant Review proceeding that is before the United States Patent and Trademark Office ("USPTO"). Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Ex. 1098 is a true and correct copy of email correspondence between counsel for Fossil and counsel for Omni in *Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.*, No. 2:24-cv-01070-JRG-RSP (E.D. Tex.). This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

4. Ex. 1099 is a true and correct copy of U.S. Patent No. 9,055,868, which was obtained from the USPTO's Patent Center system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

5. Ex. 1100 is a true and correct copy of U.S. Patent No. 10,874,304, which was obtained from the USPTO's Patent Center system. This document has

been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

6. Ex. 1101 is a true and correct copy of U.S. Patent No. 11,160,455, which was obtained from the USPTO's Patent Center system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

7. Ex. 1102 is a true and correct copy of U.S. Patent No. 12,193,790, which was obtained from the USPTO's Patent Center system. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

8. Ex. 1105 is a true and correct copy of *Omni MedSci, Inc. v. Apple Inc.*, 2021-2213, ECF No. 47 (Fed. Cir. June 8, 2022), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

9. Ex. 1109 is a true and correct copy of *Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al*. 2:24-cv-01070-JRG-RSP, ECF No. 57 (W.D.Tex. May.

19, 2025), which was obtained at my direction. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

10. Ex. 1110 is a true and correct copy of United States District Courts-National Judicial Caseload Profile, which was obtained from https://www.uscourts.gov/sites/default/files/document/fcms_na_distprofile0331.2025.pdf. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

11. Ex. 1111 is a true and correct copy of U.S. District Court Eastern District of Texas Calendar Events Set for 8/17/2026-8/17/2026 for Judge Rodney Gilstrap, which was obtained from https://ecf.txed.uscourts.gov/cgi-bin/CalEvents.pl?43463471730403-L_1_0-1. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

12. Ex. 1112 is a true and correct copy of the Joint Motion for Preferential Trial Setting, *Mulitmedia Technologies PTE. Ltd. v. LG Elelectronics Inc. and LG Electronics USA, Inc.*, No. 2:22-cv-00494-JRG-RSP, ECF No. 273 (E.D. Tex. Mar. 18, 2025), which was obtained at my direction. This document has been marked

with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

13. Ex. 1113 is a true and correct copy of Plaintiff Omni Medsci, Inc.'s First Set of Common Interrogatories to Defendants dated May 12, 2025 served in *Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.*, No. 2:24-cv-01070-JRG-RSP (E.D. Tex.). This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

14. Ex. 1115 is a true and correct copy of the Waiver of the Service of Summons by OnePlus Technology (Shenzhen) Co., Ltd., *Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.*, No. 2:24-cv-01070-JRG-RSP, Dkt. No. 70 (E.D. Tex. June 27, 2025). This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

15. Ex. 1116 is a true and correct copy of the Order Granting Stipulation to Stay Pending Resolution of IPR and Administratively Closing Case, *Omni MedSci, Inc. v. Apple Inc.*, No. 4:20-CV-563-YGR, Dkt. No. 51 (N.D. Cal. Dec. 6, 2021), which was obtained at my direction. This document has been marked with an exhibit label

and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

16. Ex. 1118 is a true and correct copy of Exhibit A of Defendants' Preliminary Constructions and Extrinsic Evidence to Plaintiff Omni Medsci, Inc. dated October 31, 2025 served in *Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.*, No. 2:24-cv-01070-JRG-RSP (E.D. Tex.). This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

17. Ex. 1119 is a true and correct copy of the Local Patent Rules for the United States District Court for the Eastern District of Texas, which was excerpted from the United States District Court for the Eastern District of Texas Local Rules obtained from https://txed.uscourts.gov/sites/default/files/HR_Docs/TXED%20Local%20Rules%2012-23.pdf. This document has been marked with an exhibit label and page numbers on each page at the bottom right corner. However, no alterations, other than these noted markings, have been made to this document.

18. Ex. 1020 is a true and correct copy of email correspondence between counsel for Samsung and counsel for Omni in *Omni MedSci, Inc. v. Samsung Electronics Co., Ltd. et al.*, No. 2:24-cv-01070-JRG-RSP (E.D. Tex.). This document has been marked with an exhibit label and page numbers on each page at the bottom

right corner. However, no alterations, other than these noted markings, have been made to this document.

19. Certain pages have been resized to 8.5 x 11 inches. No content was removed by this resizing.

20. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001. If called to testify as to the truth of the matters stated herein, I could and would testify competently.

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

Executed this 12th day of November, 2025, in New York, New York.

/James Nowell/

James Nowell
Sheppard, Mullin, Richter & Hampton LLP