

EXHIBIT

12

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

NEURAL AI, LLC

Plaintiff,

v.

NVIDIA CORPORATION

Defendant.

Case No. 7:24-cv-00221-ADA-DTG

JURY TRIAL DEMANDED

I, [DECLARANT NAME], hereby declare as follows:

1. I am [TITLE] of [COMPANY NAME]. I am over the age of eighteen and competent to make this declaration. I make this declaration based on my personal knowledge, including my general familiarity with [COMPANY NAME]’s technical infrastructure, software deployments, use of NVIDIA products, as well as the on the basis of a reasonably diligent investigation.

2. I understand that this declaration is submitted in connection with a subpoena served on [INSERT DAT] on [COMPANY NAME] in the above-captioned action (the “Subpoena”).

3. In the ordinary course of business, [COMPANY NAME] uses NVIDIA GPUs (as that term is defined in the Subpoena attached as Exhibit A) in its commercial operations. Specifically, [COMPANY NAME] deploys GPUs of the [INSERT ARCHITECTURE] architecture(s), including but not limited to [INSERT SPECIFIC GPU MODEL(S)] (collectively, the “Deployed NVIDIA GPUs”).

4. In the ordinary course of business, [COMPANY NAME] uses the following NVIDIA offerings in connection with the Deployed NVIDIA GPUs: [Select among cuFFT,

cuSparse, cuSolver, cuBlas, and cuDNN].

5. In the ordinary course of business, [COMPANY NAME] uses the following NVIDIA offerings in connection with the Deployed NVIDIA GPUs: [Select PyTorch and/or TensorRT].

6. In the ordinary course of business, [COMPANY NAME] uses the following NVIDIA offerings in connection with the Deployed NVIDIA GPUs: [Select among Modulus, Maxine, cuQuantum, Merlin, Ariel, Monai, Triton, Nemo, Riva, Metropolis, Holoscan, Clara Parabricks, Rapids, Issac, Drive, and Morpheus].

7. In the ordinary course of business, [COMPANY NAME] uses the NVIDIA software identified in Paragraphs 4-6 as provided by NVIDIA, without modification to the source code.

8. To the best of [COMPANY NAME]'s knowledge, when it uses the NVIDIA Software on the Deployed NVIDIA GPUs in the ordinary course of business, the hardware and NVIDIA software function together as designed and intended by NVIDIA.

9. In the ordinary course, [COMPANY NAME] uses one or more pretrained neural-network models, model implementations, or model configurations distributed, made available, or recommended by NVIDIA. In the ordinary course, [COMPANY NAME] deploys those models, implementations, or configurations using PyTorch, TensorRT, or other NVIDIA software without modifying their underlying network structure or low-level implementation code.

10. In the ordinary course of business, the Deployed NVIDIA GPUs are installed in systems with separate CPU main memory and GPU memory, and the CPU and GPU in these systems are connected via a bus.

11. In the ordinary course of business and for the operations described in this

declaration, [COMPANY NAME] does not use Deployed NVIDIA GPUs with a unified CPU/GPU memory pool, GPUDirect Storage (“GDS”) to transfer input data directly from storage to GPU memory, NVIDIA Unified Virtual Memory (“UVM”), or CUDA managed memory to bypass the standard CPU-memory-to-GPU-memory data transfer path.

12. In [COMPANY NAME]’s normal operations, when it uses the NVIDIA software described in Paragraphs 4-6 on the Deployed NVIDIA GPUs, input data is received and processed by the CPU and stored in CPU main memory before being transferred to the GPU for computation. To the best of my knowledge, this is the default and standard method by which data is loaded for processing on NVIDIA GPUs.

13. In the ordinary course of business and to the best of [COMPANY NAME]’s knowledge, [COMPANY NAME] does not implement custom code or configurations that alter the default data flow path provided by the NVIDIA Software with respect to how input data is received by the CPU, stored in main memory, and transferred to the GPU for computation.

14. To the best of [COMPANY NAME]’s knowledge, the operations described in this declaration are performed in the United States using systems located in the United States or systems that directly support [COMPANY NAME]’s United States operations.

15. At least once per day, [COMPANY NAME] uses NVIDIA GPUs in conjunction with at least one NVIDIA offering identified in each of Paragraphs 4-6.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on [DATE], in [CITY, STATE].

[DECLARANT NAME]
[TITLE]
[COMPANY NAME]