

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

AGIS SOFTWARE DEVELOPMENT LLC,	§	
	§	Case No. 2:17-CV-0513-JRG
	§	(LEAD CASE)
Plaintiff,	§	
	§	
v.	§	<b><u>JURY TRIAL DEMANDED</u></b>
	§	
HUAWEI DEVICE USA INC. ET AL.,	§	
	§	
Defendants.	§	
	§	
<hr/>		
APPLE, INC.,	§	Case No. 2:17-CV-0516-JRG
	§	(CONSOLIDATED CASE)
Defendant.	§	
	§	<b><u>JURY TRIAL DEMANDED</u></b>
	§	

**DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF  
PLAINTIFF AGIS SOFTWARE DEVELOPMENT, LLC’S MOTION TO  
STRIKE PORTIONS OF THE EXPERT REPORT OF NEIL SIEGEL  
RELATING TO THE UNDISCLOSED INVALIDITY THEORY  
BASED ON “DYNAMICALLY ELECTING SERVERS”**

I, Alfred R. Fabricant, hereby declare as follows:

1. I am a member of Brown Rudnick LLP, lead counsel of record for Plaintiff AGIS Software Development LLC (“AGIS”). I am admitted to practice before this Court. I submit this declaration in support of AGIS Software Development LLC’s Motion to Strike the Expert Report of Neil Siegel for Failure to Disclose Obviousness Combinations Based on the Siegel Patents. I am familiar with the facts set forth herein.

2. The exhibits attached to this declaration may contain annotations and/or excerpts of the originals.

3. Attached hereto as Exhibit A is a true and correct copy of excerpts of Exhibit D-14 to Apple’s Amended Invalidity Contentions, dated April 16, 2018.

4. Attached hereto as Exhibit B is a true and correct copy of excerpts of Apple Inc.'s Amended Invalidity Contentions, dated April 16, 2018.

5. Attached hereto as Exhibit C is a true and correct copy of excerpts of the Expert Report of Neil G. Siegel Regarding the Invalidity of U.S. Patent Nos. 9,467,838; 9,749,829; 9,408,055; and 9,445,251, dated October 29, 2018.

6. Attached hereto as Exhibit D is a true and correct copy of a document bearing production numbers SIEGEL000794 to SIEGEL000795.

7. Attached hereto as Exhibit E is a true and correct copy of a document bearing production numbers SIEGEL001003 to SIEGEL001005.

8. Attached hereto as Exhibit F is a true and correct copy of a letter dated October 26, 2018 from Kerri-Ann Limbeek to Vincent J. Rubino, III

9. Attached hereto as Exhibit G is a true and correct copy of excerpts of the transcript of the deposition of Dr. Neil G. Siegel, dated November 14, 2018.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on December 14, 2018.

/s/ Alfred R. Fabricant

Alfred R. Fabricant