EXHIBIT 15

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

AGIS SOFTWARE DEVELOPMENT, LLC,	§ § § §	Case No. 2:17-cv-513-JRG (LEAD CASE)
Plaintiff,	§	
v.	§ §	**JURY TRIAL DEMANDED**
HUAWEI DEVICE USA INC., ET AL.,	§ §	
Defendants.	§ § §	

**DECLARATION OF DR. JAIME G. CARBONELL IN SUPPORT OF
PLAINTIFF'S OPENING CLAIM CONSTRUCTION BRIEF**

I, Jaime G. Carbonell, declare and state as follows:

1. I am over the age of twenty-one, competent to make this declaration, and have personal knowledge of the matters stated herein. I make this declaration in support of Plaintiff AGIS Software Development, LLC'S's Opening Claim Construction Brief.

A. Personal Qualifications

2. I received Bachelor of Science degrees in both Physics and Mathematics in 1975 from the Massachusetts Institute of Technology. I received M.S., M.Phil., and Ph.D. degrees in Computer Science from Yale University in 1976, 1977, and 1979, respectively.

3. I have held the position of Allen Newell Professor of Computer Science at Carnegie Mellon University from 1995 to the present. I currently also hold the title of Director of the Language Technologies Institute at Carnegie Mellon University. I first joined Carnegie Mellon as an Assistant Professor of Computer Science in 1979.   In 1987, I was appointed as a Professor of Computer Science at Carnegie Mellon.

62. A person of ordinary skill in the art would have understood that the cellular modem or wireless implementing the TCP/IP protocol would be "periodically resending said forced message alert to said recipient PDA/cell phones that have not automatically acknowledged the forced message alert." as per the TCP protocol.

63. This is due to the design of the TCP/IP which calls for re-transmission of a packet (or a series of packets if their receipt has not been confirmed through an acknowledgment packet.   As the Stevens reference explains:

> TCP provides a reliable transport layer. One of the ways it provides reliability is for each end to acknowledge the data it receives from the other end. But data segments and acknowledgments can get lost. TCP handles this by setting a timeout when it sends, and if the data isn't acknowledged when the timeout expires, it retransmits the data,

W. Richard Stevens, *TCP/IP Illustrated, Volume 1*, (1994) at 297.

64. Accordingly a person of ordinary skill in the art would have recognized the relevant structure disclosed in the specification.

K. <u>Claim 54 of the '838 Patent, Claims 24, 29, and 31 of the '251 Patent, Claims 28, 32, 33, 34, and 36 of the '055 Patent, and Claim 68 of the '829 Patent – Claim Terms That Not Recite "Means" Language.</u>

65. It is my understanding that Defendants have alleged that each of the apparatus claims (Claim 54 of the '838 Patent, Claims 24, 29, and 31 of the '251 Patent, Claims 28, 32, 33, 34, and 36 of the '055 Patent, and Claim 68 of the '829 Patent) are invalid because they are subject to 35 U.S.C. §112(6) and lack sufficient corresponding structure in the form of an algorithm. More specifically, my understanding from having reviewed the 4-3 chart is that Defendants have divided the claims into a total of 39 phrases, based primarily on the existence of gerunds, and that the Defendants then contend that each of these 39 phrases, individually, is governed by 35 U.S.C. §112(6). I disagree that each limitation of the claims should be construed as 112(6)

separately. It is my opinion that each claim contains sufficient structure in the form of an

algorithm in the claims and is not governed by 35 U.S.C. §112(6). Furthermore, even if the

claims were to be divided as Defendants indicate, and even if each of these terms were to be

individually construed as governed by 35 U.S.C. §112(6), it is my opinion that each term

corresponds to sufficient structure disclosed in the specification, either in the form of hardware

or an algorithm.

     a.   The Claims are Not Governed by 35 U.S.C. 112(6)

66. I first note that none of the claims use the "means for" language.   Here, none of the

claims expressly use the "means for" language and when read as a whole, each of these claims

recites sufficient structure to set forth an algorithm and thus the claims are not governed by

112(6).

67.With respect to the '838 Patent, independent Claim 54 recites:

54. A system comprising:
  a first device programmed to perform operations comprising:
  joining a communication network corresponding to a group, wherein joining the communication network
      comprises transmitting a message including an identifier corresponding to the group;
  participating in the group, wherein participating in the group includes sending first location information
      to a first server and receiving second location information from the first server, the first location
      information comprising a location of the first device, the second location information comprising
      one or more locations of one or more respective second devices included in the group;
  presenting, via an interactive display of the first device, a first interactive, georeferenced map and a first
      set of one or more user-selectable symbols corresponding to a first set of one or more of the
      second devices, wherein the first set of symbols are positioned on the first georeferenced map at
      respective positions corresponding to the locations of the first set of second devices, and wherein
      first georeferenced map data relate positions on the first georeferenced map to spatial
      coordinates;
  sending, to a second server, a request for second georeferenced map data different from the first
      georeferenced map data;
  receiving, from the second server, the second georeferenced map data;
  presenting, via the interactive display of the first device, a second georeferenced map and a second set
      of one or more user-selectable symbols corresponding to a second set of one or more of the
      second devices, wherein the second set of symbols are positioned on the second georeferenced
      map at respective positions corresponding to the locations of the second set of second devices,
      and wherein the second georeferenced map data relate positions on the second georeferenced
      map to spatial coordinates; and
  identifying user interaction with the interactive display selecting one or more of the second set of user-
      selectable symbols corresponding to one or more of the second devices and positioned on the

second georeferenced map and user interaction with the display specifying an action and, based thereon, sending third data to the selected one or more second devices via the first server.

68. I note that, this claim requires seven steps of an algorithm performed on the first device. These steps include (1) "joining a communication network corresponding to a group . . ." (2) "participating in the group . . ." (3) "presenting . . ." (4) "sending . . ." (5) "receiving . . ." (6) "presenting . . ." and (7) "identifying user interaction with the interactive display . . ."

69. Furthermore, the claim sets forth additional structural requirements for the data that is transmitted and displayed. For example, the claims state that the display of the first device displays first and second geo-referenced maps and symbols. The specification explains how to transmit data, i.e. through TCP/IP packets as I set forth in sections above. The specification also explains how to superimpose symbols on a display at '838 Patent at 7:44-62).

70. The claim is set forth as a sequence of steps with sufficient detail that one of ordinary skill in the art would have understood how to routinely program a device with each of the steps as set forth in the claims.   More specifically, one of ordinary skill in the art would have understood several steps in sequence including presenting, sending, receiving, presenting via interactive displays, and accepting input set forth the bounds of algorithmic steps. Accordingly, it is my opinion that claim 54 of the '838 Patent sets forth sufficient structure in the claim and is not governed by 112(6).

71. Next, with respect to the '251 Patent, independent Claim 24 recites:

24. A system comprising:
   a first device programmed to perform operations comprising:
   receiving a message from a second device, wherein the message relates to joining a group;
   based on receiving the message from the second device, participating in the group, wherein
      participating in the group includes sending first location information to a server and receiving
      second location information from the server, the first location information comprising a location of
      the first device, the second location information comprising a plurality of locations of a respective
      plurality of second devices included in the group;
   presenting, via an interactive display of the first device, a first interactive, georeferenced map and a
      plurality of user-selectable symbols corresponding to the plurality of second devices, wherein the

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