

# EXHIBIT 19

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

**REBUTTAL EXPERT REPORT OF JOSEPH C. MALEXANDER III  
REGARDING VALIDITY OF U.S. PATENT NUMBERS:  
8,213,970; 9,408,055; 9,445,251; 9,467,838; AND 9,749,829**

**AGIS SOFTWARE DEVELOPMENT LLC,  
vs.  
APPLE, INC.**

**Civil Action No. 2:17-CV-516-JRG**

**November 19, 2018**



**1.5 The '251, '838, and '829 Patents are Each Entitled to the Priority Date of April 17, 2006**

20. The asserted claims of the '251, '838, and '829 Patents are each entitled to a priority date of April 17, 2006, the filing date of the application that issued as the '724 Patent. **Additionally, as I set forth in my opening report, certain asserted claims of the '838 patent were reduced to practice as of October 19, 2005. None of the arguments to the contrary, presented by Clark for the asserted claims of the '251, '838, and '829 Patents, is persuasive.**<sup>4</sup> My analysis and conclusions are set forth in [Section 7](#).

**1.6 The References Proffered by Clark and Siegel are Cumulative to the Art of Record Before the U.S. Patent and Trademark Office**

21. None of the references identified by Clark and Siegel (listed in [Section 5](#) below) are material to patentability of any of the asserted claims, because each reference is cumulative to the art already before the Examiner at the U.S. Patent and Trademark Office during the prosecution of the applications that issued as the '970, '055, '251, '838, and '829 Patents.

**1.7 Findings Related to Infringement Remain Unchanged as Presented in My Expert Report on Infringement**

22. Infringement positions, as stated in my previous expert report of October 29, 2018, remain unchanged. In my technical opinion, the APPLE products identified in that report infringe the asserted claims of the '970, '055, '251, '838, and '829 Patents.

**2 QUALIFICATIONS**

23. My qualifications are identified in [Section 2](#) of my October 29, 2018 Expert Report and accompanying Appendices. I incorporate them herein by reference in their entirety.

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<sup>4</sup> *Id.*



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