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

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

## DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF PLAINTIFF AGIS SOFTWARE DEVELOPMENT, LLC'S RESPONSE IN OPPOSITION TO APPLE INC.'S SEALED *DAUBERT* MOTION TO EXCLUDE THE <u>OPINIONS OF MR. ALAN RATLIFF RELATING TO DAMAGES (DKT. 231)</u>

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 Response in Opposition to Apple

Inc.'s Sealed Daubert Motion to Exclude the Opinions of Mr. Alan Ratliff Relating to Damages

(Dkt. 231). 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 the Damages Expert Report of Alan Ratliff on Behalf of AGIS with Respect to Apple.

Find authenticated court documents without watermarks at docketalarm.com.

4. Attached hereto as Exhibit B is a true and correct copy of excerpts of the Stoneturn Exhibits and Workpapers to the Damages Expert Report of Alan Ratliff on Behalf of AGIS with Respect to Apple.

5. Attached hereto as Exhibit C is a true and correct copy of the Declaration of Alan Ratliff, executed December 31, 2018.

6. Attached hereto as Exhibit D is a true and correct copy of excerpts of the Deposition of Alan Ratliff taken on December 7, 2018.

Attached hereto as Exhibit E is a true and correct copy of excerpts of the Expert
 Report of Joseph C. McAlexander III Regarding Infringement of U.S. Patent Numbers: 8,213,970;
 9,408,055; 9,445,251; 9,467,838; and 9,749,829.

8. Attached hereto as Exhibit F is a true and correct copy of the www.appannie.com webpage for Family Tracker - iOS Store Top Apps.

9. Attached hereto as Exhibit G is a true and correct copy of excerpts of the Deposition of Joseph McAlexander III taken on December 7, 2018.

10. Attached hereto as Exhibit H is a true and correct copy of excerpts of the Deposition of Rahul Zingde taken on August 29, 2018.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on December 31, 2018.

<u>/s/ Alfred R. Fabricant</u> Alfred R. Fabricant