IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION		
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AGIS SOFTWARE DEVELOPMENT LLC,	§ Case No. 2:17-CV-0513-JRG§ (LEAD CASE)	
Plaintiff,	Ş	
	§	
V.	§ JURY TRIAL DEMANDED	
HUAWEI DEVICE USA INC. ET AL.,	8 8 8	
Defendants.	\$ \$	
APPLE, INC.,	§ Case No. 2:17-CV-0516-JRG	
Defendant.	 § (CONSOLIDATED CASE) § § JURY TRIAL DEMANDED 	
APPLE, INC.,	 \$ Case No. 2:17-CV-0516-JRG \$ (CONSOLIDATED CASE) 	

DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF PLAINTIFF AGIS SOFTWARE DEVELOPMENT, LLC'S REPLY REGARDING ITS OPPOSED MOTION TO STRIKE PORTIONS OF THE EXPERT REPORT OF NEIL SIEGEL RELATING TO THE UNDISCLOSED THEORY <u>BASED ON "DYNAMICALLY ELECTING SERVERS" (DKT. 233)</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 Reply Regarding its Opposed

Motion to Strike the Expert Report of Neil Siegel Relating to the Undisclosed Theory Based on

"Dynamically Electing Servers" (Dkt. 233). 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 H is a true and correct copy of excerpts of the transcript of the deposition of Dr. Neil G. Siegel, pages 195-196, dated November 14, 2018.

4. Attached hereto as Exhibit I is a true and correct copy of Exhibit E-14 to Apple Inc.'s Amended Invalidity Contentions, dated April 16, 2018.

5. Attached hereto as Exhibit J is a true and correct copy of excerpts of the transcript of the deposition of Dr. Neil G. Siegel, pages 102-103, and 202, dated November 14, 2018.

Attached hereto as Exhibit K is a true and correct copy of an email dated November
 13, 2018 from Vincent J. Rubino, III to Ameet Modi.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on January 11, 2019.

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