

# EXHIBIT E

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

AGIS SOFTWARE DEVELOPMENT LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 2:17-cv-513-JRG  
(LEAD CASE)

Civil Action No. 2:17-cv-516-JRG

**EXPERT REPORT OF NEIL SIEGEL REGARDING THE INVALIDITY OF U.S.  
PATENT NOS. 9,467,838; 9,749,829; 9,408,055; AND 9,445,251**

#### **IV. MATERIALS CONSIDERED**

25. My opinions are informed by my education, training, experience, and review of materials relating to this matter, including the materials cited throughout my report and the accompanying exhibits and appendices. I have also attached as Exhibit 2 a list of the materials I reviewed and considered when forming the opinions I provide in this report.

#### **V. LEGAL STANDARDS**

26. I am not an attorney, but I understand that, as an expert offering an opinion as to whether the claims in the patents-in-suit are valid, I am obliged to apply the applicable law.

##### **A. Presumption of Validity**

27. I also understand that the claims of an issued patent are presumed valid. Specifically, I understand that, according to 35 U.S.C. § 282, “[e]ach claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim.”

##### **B. Burden of Proof**

28. I understand that the party challenging the validity of an issued U.S. patent bears the burden of proof to demonstrate that the patent is invalid.

29. I also understand that the claims of an issued patent can be proved invalid by clear and convincing evidence that the claims do not meet one or more of the legal requirements for patentability. I understand that clear and convincing evidence is a higher standard than “a preponderance of the evidence,” but a lower standard than “beyond a reasonable doubt.”

##### **C. Claim Construction**

30. I understand that claim terms should be given their ordinary and customary meaning, as would be understood by a person of ordinary skill in the art at the time of the invention,