

EXHIBIT 3

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.

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

AGIS SOFTWARE DEVELOPMENT LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

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Civil Action No. 2:17-CV-516-JRG
(CONSOLIDATED CASE)

DECLARATION OF COSMIN MAIER IN SUPPORT OF APPLE INC.'S MOTION TO
STRIKE THE UNTIMELY DECLARATION OF MR. ALAN RATLIFF ATTACHED TO
DKT. 250 AS EXHIBIT C

DECLARATION OF COSMIN MAIER

I, Cosmin Maier, declare as follows:

1. I am an attorney licensed to practice law in the state of New York. I am an attorney with the law firm Desmarais LLP, counsel of record for Apple Inc. (“Apple”) in the above-captioned matter, and I am admitted *pro hac vice* to this Court. The matters set forth below are within my personal knowledge, and if called upon as a witness I could and would testify competently as to each of them.

2. On January 9, 2018, counsel for the parties, Apple and AGIS Software Development LLC (“AGIS”), held a teleconference to meet and confer regarding the declaration of Mr. Alan Ratliff that was attached to Dkt. No. 250 as Exhibit C (“Mr. Ratliff’s declaration”).

3. Initially, counsel for AGIS asserted that Mr. Ratliff’s declaration did not contain any new “opinions.”

4. After Apple’s counsel pointed out to AGIS’s counsel that Mr. Ratliff himself referred to his statements as “opinions” in paragraphs 2-3 of Mr. Ratliff’s declaration, AGIS shifted its position and stated that a motion to strike Mr. Ratliff’s declaration was inappropriate because AGIS would not seek to introduce the opinions in Mr. Ratliff’s declaration at trial.

5. In response to AGIS’s apparent assertion that it would not seek to introduce any opinions from Mr. Ratliff’s declaration at trial, Apple sought a clear statement on the matter. AGIS then retreated from that position and stated that AGIS would reserve the right to rely on the opinions in Mr. Ratliff’s declaration because, according to AGIS, the new opinions were somehow proper. AGIS did not provide an explanation as to why the opinions in Mr. Ratliff’s declaration were proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14th day of January, 2019.

/s/ Cosmin Maier

Cosmin Maier