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

AGIS SOFTWARE DEVELOPMENT LLC, Plaintiff,	\$ Case No. 2:17-CV-0513-JRG   \$ (LEAD CASE)   \$ JURY TRIAL DEMANDED
V.	8
	§
HUAWEI DEVICE USA INC. ET AL.,	§
Defendants.	\$ \$ \$
APPLE, INC.,	§ Case No. 2:17-CV-0516-JRG
	§ (CONSOLIDATED CASE)
Defendant.	§
	§ JURY TRIAL DEMANDED

## DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF PLAINTIFF AGIS SOFTWARE DEVELOPMENT, LLC'S SUR-REPLY TO APPLE INC.'S REPLY REGARDING SEALED MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT OF U.S. PATENT NO. 8,213,970 (DKT. 228)

- 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 Sur-Reply Regarding Apple Inc.'s Sealed Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 8,213,970 (Dkt. 228). 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



4. Attached hereto as Exhibit B is the true and correct of copy of

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on January 22, 2019.

/s/ Alfred R. Fabricant
Alfred R. Fabricant