

EXHIBIT 5

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

**AGIS SOFTWARE DEVELOPMENT
LLC,**

Plaintiff,

v.

APPLE INC.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

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

JURY TRIAL DEMANDED

**PLAINTIFF’S DISCLOSURE OF ASSERTED CLAIMS
AND AMENDED INFRINGEMENT CONTENTIONS**

Pursuant to P.R. 3-6(a)(1), Plaintiff AGIS Software Development LLC (“AGIS”) hereby makes the following amended¹ infringement disclosures under the Patent Local Rules with respect to United States Patent Nos. 9,467,838 (the “838 Patent”), 9,445,251 (the “251 Patent”), 9,408,055 (the “055 Patent”), 9,749, 829, (the “829 Patent”) and 8,213,970 (the “970 Patent”)

¹ AGIS amends its infringement contentions in response to and as required by the Court’s claim construction order. AGIS submits these amended infringement contentions based on information available to AGIS at this time and makes no representations concerning the completeness, relevancy, and/or sufficiency of Apple’s source code productions to date. AGIS reserves the right to further amend these contentions based on additional discovery, including, but not limited to, additional source code productions, any outstanding and/or forthcoming discovery requests, and Apple’s ongoing duty to disclose all relevant information to this case.

doctrine of equivalents because the differences between the claimed inventions and the accused instrumentalities, if any, are insubstantial.

AGIS also contends that Apple directly infringes the asserted claims by making, using, offering for sale, selling, and importing in to the United States the accused instrumentalities as well as indirectly infringe by contributing to and/or inducing others (e.g., Apple's customers or its customers' customers) to directly infringe those claims by making, using, offering for sale or selling the Apple Accused Products.

Pursuant to Patent Local Rule 3-6(a)(1), Apple reserves the right to amend its Infringement Contentions as to literal infringement or infringement under the doctrine of equivalents in light of the Court's claim construction.

E. PRIORITY DATES

Under P.R. 3-1(e), each of the asserted claims of the patents-in-suit are entitled to a priority date of at least as early as September 21, 2004.⁵ AGIS reserves the right to establish an earlier date of invention based upon actions related to conception and reduction to practice of the claimed inventions.

F. AGIS'S OWN PRODUCTS

At the present time, AGIS does not intend to rely on the assertion that its own apparatuses, products, devices, processes, methods, acts, or other instrumentalities practice the claimed

⁵ The parties have confirmed their understanding that AGIS is also relying on interim priority dates to establish priority prior to the filing date of the Patents-in-Suit (*See, e.g.*, March 13, 2018 Rubino Letter to Apple regarding the March 12, 2018 teleconference; *see also*, Apple's petitions filed in IPR2018-00817, IPR2018-00818, IPR2018-819)