

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

AGIS Software Development, LLC

Plaintiff,

v.

HUAWEI DEVICE USA INC., HUAWEI
DEVICE CO., LTD. AND HUAWEI DEVICE
(DONGGUAN) CO., LTD.

Defendants.

CIVIL ACTION NO. 2:17-cv-513-JRG

JURY TRIAL DEMANDED

**DECLARATION OF BRYAN P. CLARK IN SUPPORT OF
DEFENDANTS' MOTION TO TRANSFER VENUE**

I, Bryan P. Clark, state and declare as follows:

1. I am a member of The Webb Law Firm, counsel of record for Defendants Huawei Device USA Inc., Huawei Device Co., Ltd., and Huawei Device (Dongguan) Co., Ltd. I am a member of the Bar of the State of Pennsylvania and have been admitted to practice in the United States District Court for the Eastern District of Texas. I provide this declaration in support of Defendants' motion to transfer the above-captioned action to the United States District Court for the Northern District of California. I submit this declaration based upon my personal knowledge of the subject matters addressed by this declaration. If called as a witness, I would and could testify competently as to the same.

2. I was counsel of record for LIFE360, Inc. in a patent infringement action brought against it in 2014 by Plaintiff's predecessor, Advanced Ground Information Systems, Inc. in the Southern District of Florida, captioned *Advanced Ground Information Systems, Inc. v. LIFE360, Inc.*, United States District Court for the Southern District of Florida Case No. 9:14-cv-80651 (the "Florida Action"). In the Florida Action, Advanced Ground Information Systems, Inc.

asserted U.S. Patent No. 7,031,728, which is the ultimate parent of each of the patents-in-suit in this action, as well as three other patents that claim priority to the same parent applications as the patents-in-suit in this action. The technology accused of infringement in the Florida Action was a smartphone app that allows users to form groups with other users, view the locations of the other users on a map, and engage in communications, such as text communications, with the other users.

3. Attached hereto as Exhibit A is a true and correct copy of the Initial Disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) served by Advanced Ground Information Systems, Inc. in the Florida Action. These disclosures did not identify Eric Armstrong or David Sietsema as relevant witnesses. Advanced Ground Information Systems, Inc. never updated these disclosures to identify Messrs. Armstrong or Sietsema. Messrs. Armstrong and Sietsema also were never deposed in the Florida Action.

4. Attached hereto as Exhibit B is a true and correct copy of Advanced Ground Information Systems, Inc.'s Pretrial Disclosures in the Florida Action. The pretrial disclosures do not identify Eric Armstrong or David Sietsema as trial witnesses to be presented either live or by deposition. During the five day trial in the Florida Action, neither Mr. Armstrong nor Mr. Sietsema was called as a witness.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Pittsburgh, Pennsylvania on January 2, 2018.



Bryan P. Clark