

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

AGIS SOFTWARE DEVELOPMENT LLC,	§	
	§	Case No. 2:17-CV-0514-JRG
Plaintiff,	§	(LEAD CASE)
	§	
v.	§	<u>JURY TRIAL DEMANDED</u>
	§	
HTC CORPORATION,	§	
	§	
Defendant.	§	

LG ELECTRONICS INC.,	§	Case No. 2:17-CV-0515-JRG
	§	(CONSOLIDATED CASE)
Defendant.	§	
	§	<u>JURY TRIAL DEMANDED</u>

**DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF PLAINTIFF
AGIS SOFTWARE DEVELOPMENT LLC’S OPPOSED MOTION
TO STRIKE EXPERT REPORT OF SCOTT ANDREWS FOR UNDISCLOSED
OBVIOUSNESS COMBINATIONS AND FAILURE TO ADHERE TO DEFENDANTS’
FINAL ELECTION OF PRIOR ART REFERENCES**

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’s Opposed Motion to Strike Expert Report of Scott Andrews for Undisclosed Obviousness Combinations and Failure to Adhere to Defendants’ Final Election of Prior Art References. 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 annotated excerpts of Defendant LG Electronics, Inc.’s Amended Invalidity Contentions, dated January 17, 2019.

4. Attached hereto as Exhibit B is a true and correct copy of annotated excerpts of Defendant HTC Corporation's Invalidation Contentions, dated March 15, 2018.

5. Attached hereto as Exhibit C is a true and correct copy of annotated excerpts of the Expert Report of Scott Andrews.

6. Attached hereto as Exhibit D is a true and correct copy of the Docket Control Order in *AGIS Software Development LLC v. HTC Corporation*, 2:17-cv-00514-JRG (E.D. Tex.), Dkt. 39.

7. Attached hereto as Exhibit E is a true and correct copy of the Docket Control Order in *AGIS Software Development LLC v. Huawei Device U.S.A., et al.*, 2:17-cv-00513-JRG (E.D. Tex.), Dkt. 85.

8. Attached hereto as Exhibit F is a true and correct copy of Plaintiff AGIS Software Development LLC's Final Election of Asserted Claims Regarding Defendant HTC Corporation, dated August 15, 2018.

9. Attached hereto as Exhibit G is a true and correct copy of Plaintiff AGIS Software Development LLC's Final Election of Asserted Claims Regarding Defendant LG Electronics, Inc., dated August 15, 2018.

10. Attached hereto as Exhibit H is a true and correct copy of Defendant LG Electronics, Inc.'s Second Election of Prior Art References, dated August 29, 2018.

11. Attached hereto as Exhibit I is a true and correct copy of Defendant HTC Corporation's Second Election of Prior Art References, dated August 29, 2018.

12. Attached hereto as Exhibit J is a true and correct copy of an email from Bonnie Phan to AGIS, dated August 21, 2018.

13. Attached hereto as Exhibit K is a true and correct copy of an email from Miguel Bombach to AGIS, dated November 20, 2018.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on January 25, 2019.

/s/ Alfred R. Fabricant

Alfred R. Fabricant