

EXHIBIT 5

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

AGIS SOFTWARE DEVELOPMENT, LLC,

Plaintiff,

v.

HTC CORPORATION,

Defendant.

**CASE NO. 2:17-CV-0514-JRG
(LEAD CASE)**

JURY TRIAL DEMANDED

DEFENDANT HTC CORPORATION'S FIRST SET OF REQUESTS FOR ADMISSION

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Defendant HTC Corporation, ("HTC") through its counsel, hereby requests that Plaintiff AGIS Software Development, LLC ("AGIS") admit the following requests for admission within thirty (30) days in writing, under oath, and in conformity with the Definitions and Instructions set forth below.

DEFINITIONS

The following definitions shall apply throughout these requests for admission, regardless of whether upper or lower-case letters are used:

1. "AGIS Software Development, LLC," "AGIS," "You," or "Your" refers to Plaintiff AGIS Software Development, LLC, including without limitation all subsidiaries, parents, affiliates, and all past or present directors, officers, attorneys, agents, representatives, employees, and consultants.

2. "Advanced Ground Information Systems, Inc." or "AGIS Inc." or "AGIS FL" refers to Advanced Ground Information Systems, Inc., including without limitation all subsidiaries, parents, affiliates, and all present or past directors, officers, attorneys, agents, representatives, employees, and consultants.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

Admit that no representative from AGIS sent notice to HTC Corporation identifying any of the Patents-in-Suit prior to AGIS's filing of its complaint alleging patent infringement against HTC Corporation (filed on June 21, 2017).

REQUEST FOR ADMISSION NO. 2:

Admit that no representative from any of AGIS's companies sent notice to HTC Corporation identifying any of the Patents-in-Suit prior to AGIS's filing of its complaint alleging patent infringement against HTC Corporation (filed on June 21, 2017).

REQUEST FOR ADMISSION NO. 3:

Admit that no representative from any of AGIS's companies sent notice to HTC Corporation identifying any patent assigned to any of AGIS's Companies prior to AGIS's filing of its complaint alleging patent infringement against HTC Corporation (filed on June 21, 2017).

REQUEST FOR ADMISSION NO. 4:

Admit that HTC Corporation did not receive notice of any of the Patents-in-Suit prior to AGIS's filing of its complaint alleging patent infringement against HTC Corporation (filed on June 21, 2017).

REQUEST FOR ADMISSION NO. 5:

Admit that HTC Corporation did not receive notice alleging that HTC Corporation infringes any of the Patents-in-Suit prior to AGIS's filing of its complaint alleging patent infringement against HTC Corporation (filed on June 21, 2017).

REQUEST FOR ADMISSION NO. 6:

Admit that an attorney representing the '838 patent applicant stated to the United States Patent Office that "it is understood that the present application will be examined under the post-AIA, first-to-file provisions of the patent laws" in the prosecution of the '838 patent (App. No. 14/529978) in an April 25, 2016 Applicant Amendment.

REQUEST FOR ADMISSION NO. 7:

Admit that no representative from any of AGIS's Companies made a representation to the United States Patent Office—after the statement identified in Request for Admission No. 6—that the '838 patent should not be subject to the post-AIA, first-to-file provisions of the America Invents Act.

REQUEST FOR ADMISSION NO. 8:

Admit that an attorney representing the '055 patent applicant stated to the United States Patent Office that "it is understood that the present application will be examined under the post-AIA, first-to-file provisions of the patent laws" in the prosecution of the '055 patent (App. No. 14/695233) in an October 30, 2015 Applicant Amendment.

REQUEST FOR ADMISSION NO. 9:

Admit that no representative from any of AGIS's Companies made a representation to the United States Patent Office—after the statement identified in Request for Admission No. 8—that the '055 patent should not be subject to the post-AIA, first-to-file provisions of the America Invents Act.

REQUEST FOR ADMISSION NO. 10:

Admit that an attorney representing the '251 patent applicant stated to the United States Patent Office that "it is understood that the present application will be examined under the post-

Dated: November 7, 2018

/s/ Miguel Bombach

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