

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

AGIS SOFTWARE DEVELOPMENT, LLC	§	CASE NO. 2:17-cv-514-JRG
	§	(Lead Case)
Plaintiff,	§	
	§	
v.	§	JURY TRIAL DEMANDED
	§	
HTC CORPORATION, et al.	§	
	§	
Defendant.	§	

AGIS SOFTWARE DEVELOPMENT, LLC	§	CASE NO. 2:17-CV-515-JRG
	§	(Member Case)
	§	
Plaintiff,	§	JURY TRIAL DEMANDED
	§	
LG ELECTRONICS INC.	§	
	§	
Defendant.	§	

**DAUBERT MOTION TO EXCLUDE THE OPINIONS OF MR. ALAN RATLIFF
RELATING TO DAMAGES**

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[REDACTED]

I. INTRODUCTION

The damages expert for Plaintiff AGIS Software Development LLC’s (“AGIS”), Alan Ratliff, asserts that AGIS is entitled to [REDACTED] in damages from LG Electronics Inc. (“LGEKR”) for alleged infringement that is carried out by software applications supplied by a non-party, Google, some of which are pre-installed on LG phones. Neither LGEKR nor the ultimate consumers of LG mobile devices pay anything for the Accused Applications supplied by Google. And the record is devoid of *any* evidence of the incremental value attributable to the Accused Applications, let alone the narrow, specific functions within those applications accused of infringement by AGIS. Nonetheless, Mr. Ratliff concludes that [REDACTED] [REDACTED].

Mr. Ratliff’s [REDACTED] approach suffers from several fatal flaws. For instance, Mr. Ratliff applies [REDACTED] [REDACTED], and makes no effort to assess an applicable royalty rate to the Google *applications* (“Accused Applications”) that actually are accused of carrying out the alleged infringement. Mr. Ratliff also provides no evidentiary support for [REDACTED] [REDACTED]. Instead, he relies on apples-to-oranges [REDACTED] [REDACTED]. Mr. Ratliff fails even to attempt to [REDACTED] [REDACTED].

Starting from a faulty premise, Mr. Ratliff compounds his errors through [REDACTED] [REDACTED]. Mr. Ratliff first posits [REDACTED].

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