IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION	
AGIS SOFTWARE DEVELOPMENT LLC, Plaintiff, v.	<ul> <li>\$ Case No. 2:17-CV-0514-JRG</li> <li>\$ (LEAD CASE)</li> <li>\$ JURY TRIAL DEMANDED</li> </ul>
HTC CORPORATION, Defendant.	\$ \$ \$
LG ELECTRONICS INC., Defendant.	<ul> <li>§ Case No. 2:17-CV-0515-JRG</li> <li>§ (CONSOLIDATED CASE)</li> <li>§</li> <li>§ JURY TRIAL DEMANDED</li> </ul>

## DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S OPPOSED MOTION TO STRIKE THE JANUARY 11, 2019 EXPERT REPORT OF EDWARD R. TITTEL

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 Software Development LLC's Opposed Motion to Strike the

January 11, 2019 Expert Report of Edward R. Tittel. 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 a Notice of Subpoenas to Google LLC filed in this case on August 29, 2018.

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4. Attached hereto as Exhibit B is a true and correct copy of email correspondence between counsel for AGIS Software Development LLC, and counsel for Google LLC regarding source code review, dated November 9, 2018.

5. Attached hereto as Exhibit C is a true and correct copy of email correspondence between counsel for AGIS Software Development LLC, and counsel for LG Electronics Inc. regarding source code review, dated November 26, 2018.

6. Attached hereto as Exhibit D is a true and correct copy of email correspondence between counsel for AGIS Software Development LLC, and counsel for LG Electronics Inc. regarding source code review, dated December 13, 2018.

Attached hereto as Exhibit E is a true and correct copy of excerpts of the Expert
 Report of Edward R. Tittel in Rebuttal to the Expert Report of Joseph McAlexander, dated January
 11, 2019.

8. Attached hereto as Exhibit F is a true and correct copy of email correspondence between counsel for AGIS Software Development LLC, and counsel for Google LLC regarding source code review, dated January 13, 2019.

9. Attached hereto as Exhibit G is a true and correct copy of email correspondence between counsel for AGIS Software Development LLC, and counsel for LG Electronics Inc. regarding source code review, dated January 24, 2019.

 Attached hereto as Exhibit H is a true and correct copy of email correspondence between Enrique Iturralde and Bonnie Phan regarding Google source code review, January 24, 2019.

11. Attached hereto as Exhibit I is a true and correct copy of Plaintiff's First Set of Interrogatories To LG Electronics, Inc., dated January 8, 2018.

Find authenticated court documents without watermarks at docketalarm.com.

12. Attached hereto as Exhibit J is a true and correct copy of LG Electronics Inc.'s Supplemental Objections and Responses to Plaintiff AGIS Software Development LLC's First Set of Interrogatories, dated November 30, 2018.

Attached hereto as Exhibit K is a true and correct copy of Defendant LG Electronic
 Inc.'s January 17, 2018 Supplemental Initial Disclosures.

14. Attached hereto as Exhibit L is a true and correct copy of Defendant LG Electronics, Inc.'s August 31, 2018 Supplemental Initial Disclosures.

15. Attached hereto as Exhibit M is a true and correct copy of Defendant LG Electronics, Inc.'s November 14, 2018 Supplemental Initial Disclosures.

16. Attached hereto as Exhibit N is a true and correct copy of Defendant LG Electronics, Inc.'s December 7, 2018 Supplemental Initial Disclosures.

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

<u>/s/ Alfred R. Fabricant</u> Alfred R. Fabricant

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