

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

**AGIS SOFTWARE DEVELOPMENT LLC,**

**Plaintiff,**

**vs.**

**HTC CORPORATION,**

**Defendant.**

**CASE NO. 2:17-CV-514-JRG  
(LEAD CASE)**

**JURY TRIAL DEMANDED**

**DECLARATION OF MIGUEL BOMBACH  
IN SUPPORT OF DEFENDANTS' HTC CORPORATION AND LG ELECTRONICS,  
INC. OPPOSITION TO AGIS SOFTWARE DEVELOPMENT LLC'S MOTION TO  
STRIKE PORTIONS OF EXPERT REPORT OF MR. SCOTT ANDREWS**

I, Miguel Bombach, hereby declare as follows:

1. I am an attorney at the law firm of Perkins Coie LLP and counsel of record for HTC Corporation (“HTC Corp.”) in the above entitled matter. I am a member of good standing of the California and United States Patent and Trademark Bar and am admitted to practice in the Eastern District of Texas.

2. I make this declaration in support of HTC Corp.’s Opposition to AGIS Software Development LLC’s Motion to Strike Portions of the December 14, 2018, Expert Report of Mr. Scott Andrews.

3. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of U.S. Patent No. 7,630,724.

4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the transcripts of the depositions of Malcolm Keller Beyer, Jr. taken on (Volume I) October 22, 2018 and (Volume II) October 23, 2018.

5. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of the patent prosecution history of U.S. Patent No. 9,445,251 patent prosecution history, November 13, 2015 Amendment.

6. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of the patent prosecution history of U.S. Patent No. 9,445,251 patent prosecution history, January 26, 2016 Amendment.

7. Attached hereto as Exhibit 5 is a true and correct copy of excerpts of the patent prosecution history of U.S. Patent No. 9,445,251 patent prosecution history, June 6, 2016 Amendment.

8. Attached hereto as Exhibit 6 is a true and correct copy of excerpts of the patent prosecution history of U.S. Patent No. 9,467,838, patent prosecution history, December 8, 2015 Amendment.

9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts of the patent prosecution history of U.S. Patent No. 9,467,838, patent prosecution history, April 25, 2016 Amendment.

10. Attached hereto as Exhibit 8 is a true and correct copy of excerpts of the patent prosecution history of U.S. Patent No. 9,467,838, patent prosecution history, August 12, 2016 Amendment.

11. Attached hereto as Exhibit 9 is a true and correct copy of excerpts of Plaintiff AGIS Software Development LLC's First Supplemental Objections and Responses to Defendant HTC Corporation's first Set of Interrogatories to Plaintiff (Nos. 1-15), dated August 17, 2018.

12. Attached hereto as Exhibit 10 is a true and correct copy of excerpts of Plaintiff's Disclosure of Asserted Claims and Infringement Contentions, dated August 28, 2018.

13. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the rebuttal expert report of Mr. McAlexander, AGIS's infringement and invalidity expert.

14. Attached hereto as Exhibit 12 is a true and correct copy of excerpts of Defendant HTC Corporation, ZTE (USA), Inc., and ZTE (TX), Inc's Invalidity Contentions Pursuant to Patent Local Rule 3-3.

15. Attached hereto as Exhibit 13 is a true and correct copy of excerpts of Defendant Huawei Device USA Inc., Huawei Device Co., Huawei Device (Dongguan) Co., Ltd., and LG Electronics, Inc's Invalidity Contentions Pursuant to Patent Local Rule 3-3.

16. Attached hereto as Exhibit 14 is a true and correct copy of excerpts of *Apple Inc. v. AGIS Software Development LLC*, IPR2018-00817, Paper 1 at p. 2.

17. Attached hereto as Exhibit 15 is a true and correct copy of excerpts of *Apple Inc. v. AGIS Software Development LLC*, IPR2018-00818, Paper 1 at p. 1.

18. Attached hereto as Exhibit 16 is a true and correct copy of excerpts of *Apple Inc. v. AGIS Software Development LLC*, IPR2018-00819, Paper 1 at p. 2.

19. Attached hereto as Exhibit 17 is a true and correct copy of Defendant HTC Corporation's Second Election of Prior Art References, dated August 29, 2018.

20. Attached hereto as Exhibit 18 is a true and correct copy of Defendant LG Electronics, Inc's Second Election of Prior Art References, dated August 29, 2018.

21. Attached hereto as Exhibit 19 is a true and correct copy of excerpts of *Apple Inc. v. AGIS Software Development LLC*, IPR2018-00817, Paper 9 at p. 26,

22. Attached hereto as Exhibit 20 is a true and correct copy of excerpts of *Apple Inc. v. AGIS Software Development LLC*, IPR2018-00818, Paper 9 at p. 23.

23. Attached hereto as Exhibit 21 is a true and correct copy of excerpts of *Apple Inc. v. AGIS Software Development LLC*, IPR2018-00819, Paper 9 at p. 19.

24. Attached hereto as Exhibit 22 is a true and correct copy of excerpts of Defendant LG Electronics, Inc's Amended Invalidity Contentions Pursuant to Patent Local Rule 3-6.

25. Attached hereto as Exhibit 23 is a true and correct copy of excerpts of *Apple Inc. v. AGIS Software Development LLC*, IPR2018-00817, Paper 6 at p. 1.

26. Attached hereto as Exhibit 24 is a true and correct copy of excerpts of *Apple Inc. v. AGIS Software Development LLC*, IPR2018-00818, Paper 6 at p. 1.

27. Attached hereto as Exhibit 25 is a true and correct copy of excerpts of *Apple Inc. v. AGIS Software Development LLC*, IPR2018-00819, Paper 6 at p. 1.

28. Attached hereto as Exhibit 26 is a true and correct copy of excerpts of an email chain from Enrique W. Iturralde to Miguel Bombach accepting the proposed February 28, 2018 deposition date for Mr. Andrews, dated February 8, 2018.

29. Attached hereto as Exhibit 27 is a true and correct copy of excerpts of the expert report of Scott Andrews regarding invalidity of U.S. Patent Nos. 8,213,970, 9,408,055, 9,445,251, and 9,467,838.

30. Attached hereto as Exhibit 28 is a true and correct copy of excerpts of Plaintiff's Disclosure of Asserted Claims and Infringement Contentions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of February, 2019, in San Diego, California.

/s/ Miguel J. Bombach  
Miguel J. Bombach