

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

AGIS SOFTWARE DEVELOPMENT LLC,

Plaintiff,

v.

HTC CORPORATION,

Defendant.

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Case No. 2:17-CV-0514-JRG
(LEAD CASE)

JURY TRIAL DEMANDED

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**DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF
PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC’S RESPONSE
IN OPPOSITION TO HTC CORPORATION’S SEALED MOTION FOR
SUMMARY JUDGMENT OF NO DIRECT INFRINGEMENT (DKT. 116)**

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 Response in Opposition to HTC Corporation’s Sealed Motion for Summary Judgment of No Direct Infringement (Dkt. 116). 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 the Initial Determination of the United States International Trade Commission in the Matter of Certain Personal Data And Mobile Communications Devices and Related Softwre, Inv. No. 337-TA-710, dated July 15, 2011.

4. Attached hereto as Exhibit B is a true and correct copy of [REDACTED]

[REDACTED]

5. Attached hereto as Exhibit C is a true and correct copy of [REDACTED]

[REDACTED]

6. Attached hereto as Exhibit D is a true and correct copy of annotated excerpts of the

[REDACTED]

[REDACTED]

7. Attached hereto as Exhibit E is a true and correct copy of [REDACTED]

[REDACTED]

8. Attached hereto as Exhibit F is a true and correct copy of excerpts of the 2017 HTC Annual Report.

9. Attached hereto as Exhibit G is a true and correct copy of [REDACTED]

[REDACTED]

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on February 19, 2019.

/s/ Alfred R. Fabricant

Alfred R. Fabricant