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

AGIS SOFTWARE DEVELOPMENT LLC,	§ § § §	Case No. 2:17-CV-0514-JRG (LEAD CASE)
Plaintiff,	§ §	**JURY TRIAL DEMANDED**
v.	§ §	
HTC CORPORATION,	§ §	███████████████
Defendant.	§ § §	
LG ELECTRONICS INC.,	§ §	Case No. 2:17-CV-0515-JRG (CONSOLIDATED CASE)
Defendant.	§ § §	**JURY TRIAL DEMANDED**

**PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S RESPONSE
IN OPPOSITION TO LG ELECTRONICS INC.'S
SEALED MOTION FOR PARTIAL SUMMARY JUDGMENT
OF LIMITATION OF DAMAGES (DKT. 117)**

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Plaintiff AGIS Software Development LLC ("AGIS") hereby submits its Response in Opposition to LG Electronics Inc.'s ("LG") Sealed Motion for Partial Summary Judgment of Limitation of Damages (Dkt. 117).

I.   INTRODUCTION

LG alleges that AGIS has failed to sufficiently mark its products and, therefore, AGIS cannot recover any pre-suit damages. However, at most, LG establishes that there are factual issues that require resolving which would preclude a finding of summary judgment.

II.   RESPONSE TO STATEMENT OF ISSUES

Whether AGIS may recover damages for pre-suit infringement of the location sharing patents where: (i) AGIS, Inc. did not mark the LifeRing product and its other publications with these patent numbers, and (ii) AGIS failed to give LGEKR notice of the alleged infringement of these patents prior to filing its Complaint in this action.

Response: Whether LG is entitled to judgment as a matter of law that (i) AGIS, Inc. did not mark the LifeRing product and its other publications with the patent numbers, and (ii) AGIS failed to give LG notice of the alleged infringement of these patents prior to filing its Complaint in this action.

III.   RESPONSE TO STATEMENT OF UNDISPUTED MATERIAL FACTS

LG has failed to present a Statement of Undisputed Material Facts as required by Local Rule CV-56(a) because the statements contain disputed facts, are argumentative, and lack citations to proper summary judgment evidence under Local Rule CV-56(d). AGIS presents the following responses to the allegations in the Statement of Undisputed Material Facts.

Response to No. 1: Undisputed.

Response to No. 2: Undisputed.

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