

**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,	§	
	§	
v.	§	<u>JURY TRIAL DEMANDED</u>
	§	
HTC Corporation,	§	
	§	
Defendant.	§	

**JOINT PRE-TRIAL ORDER FOR THE
AGIS SOFTWARE DEVELOPMENT LLC V. HTC CORPORATION TRIAL**

The Pretrial Conference is scheduled for March 1, 2019 in Marshall, Texas, pursuant to the Court’s Fourth Amended Docket Control Order (Dkt. 141) and Rule 16 of the Federal Rules of Civil Procedure. As used herein, “AGIS” or “Plaintiff” means AGIS Software Development LLC. As used herein, “HTC” or “Defendant” means HTC Corporation.

The following parties submit this Joint Pre-Trial Order:

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A. STATEMENT OF JURISDICTION

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. § 1 *et seq.* For the purpose of this action, AGIS does not contest that this Court has personal jurisdiction over AGIS. AGIS further does not contest that venue is proper in the United States District Court for the Eastern District of Texas, Marshall Division.

HTC Corp. did not consent to the Court's exercise of personal jurisdiction in this action. (*See* Dkt. No. 29, HTC Corp.'s Motion to Dismiss for Lack of Personal Jurisdiction; Dkt. No. 77, Order Denying HTC Corp. Motion to Dismiss for Lack of Personal Jurisdiction.) HTC Corp. also does not agree that the United States District Court for the Eastern District of Texas is the appropriate venue for the purposes of this action. (*See* Dkt. No. 29, HTC Corp.'s Motion to Transfer Venue; Dkt. No. 77, Order Denying HTC Corp. Motion to Transfer Venue; Dkt. No. 97, Motion to Reconsider Denial of Motion to Transfer Venue.).

B. NATURE OF ACTION

1. AGIS's Statement Regarding the Description of the Case

Plaintiff AGIS alleges that Defendant HTC directly infringes and/or indirectly infringes U.S. Patent No. 8,213,970 (the "970 patent"), U.S. Patent No. 9,408,055 (the "055 patent"), U.S. Patent No. 9,445,251 (the "251 patent"), and U.S. Patent No. 9,467,838 (the "838 patent") (collectively, the "Patents-in-Suit"), by making, using, selling, offering for sale and/or importing into the United States the following Android-based phones and tablets: 10, 10 evo, 10 Lifestyle, 2125 / 2100 (Faraday), 3125 / Smartflip / 8500 (Star Trek), 5800 / Fusion / S720, 7 Mozart, 7 Pro, 7 Surround, 7 Trophy, 8125 / 8100 / MDA (USA) / K-JAM / P4300 (Wizard), 8XT, AD phones continues below..., Amaze 4G, Aria, Arrive, Arrive / 7 Pro (CDMA), Bolt, Butterfly,

Butterfly 2, Butterfly 3, Butterfly S, ChaCha, Dash / S620 / S621 (Excalibur), Dash 3G / Snap (GSM), Desire, Desire (CDMA), Desire / Desire 601 (CDMA), Desire 10 Compact, Desire 10 Lifestyle, Desire 10 Pro, Desire 200, Desire 210 dual sim, Desire 300, Desire 310, Desire 310 dual sim, Desire 320, Desire 326G dual sim, Desire 400 dual sim, Desire 500, Desire 501, Desire 501 dual sim, Desire 510, Desire 510 (CDMA), Desire 510 (GSM), Desire 516 dual sim, Desire 520, Desire 526, Desire 526 (CDMA), Desire 526G+ dual sim, Desire 530, Desire 555, Desire 600 dual sim, Desire 601, Desire 601 dual sim, Desire 610, Desire 610 (GSM), Desire 612, Desire 612 (CDMA), Desire 616 dual sim, Desire 620, Desire 620G dual sim, Desire 625, Desire 626, Desire 626 (CDMA), Desire 626 (GSM), Desire 626 (USA), Desire 626G+, Desire 626s, Desire 626s (CDMA), Desire 626s (GSM), Desire 628, Desire 630, Desire 650, Desire 700, Desire 700 dual sim, Desire 728 dual sim, Desire 728 Ultra, Desire 816, Desire 816 dual sim, Desire 816G dual sim, Desire 820, Desire 820 dual sim, Desire 820G+ dual sim, Desire 820q dual sim, Desire 820s dual sim, Desire 825, Desire 826 dual sim, Desire 828 dual sim, Desire 830, Desire C, Desire C (CDMA), Desire Eye, Desire HD, Desire L, Desire P, Desire Q, Desire S, Desire SV, Desire U, Desire V, Desire VC, Desire VT, Desire X, Desire XC, Desire Z, Dream, DROID DNA, DROID ERIS, Droid Incredible, DROID Incredible 2, DROID Incredible 4G LTE, EVO 3D, EVO 3D CDMA, Evo 4G, Evo 4G LTE, Evo 4G+, EVO Design 4G, EVO Design 4G / Hero S (CDMA), EVO Shift 4G, EVO V 4G / EVO 3D (CDMA), EVO View 4G, Explorer, First, Flyer, Flyer Wi-Fi, Freestyle, Fuze / Touch Pro (GSM), G1, G2, Glacier, Gratia, HD mini, HD2, HD7, HD7 / HD7S, HD7S, Hero, Hero (CDMA), Hero CDMA, Hero S, Imagio, Incredible S, Inspire 4G, J, JAMin / S200 (Prophet), Jetstream, Lead, Legend, Magic, MAX 4G, MDA Compact / xda II mini / JAM (Magician), Merge, Mogul / XV6800 / PPC6800 / P4000, myTouch 3G / Magic, myTouch 3G Slide, myTouch 4G, myTouch 4G Slide, One, One (E8),

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