

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

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|--------------------------------|---|-----------------------------------|
| AGIS SOFTWARE DEVELOPMENT LLC, | § | |
| | § | Case No. 2:17-cv-0515-JRG |
| Plaintiff, | § | (Member Case) |
| | § | |
| v. | § | |
| | § | <u>JURY TRIAL DEMANDED</u> |
| LG ELECTRONICS, INC., | § | |
| | § | |
| Defendant. | § | |

**JOINT PRE-TRIAL ORDER FOR THE
AGIS SOFTWARE DEVELOPMENT LLC V. LG ELECTRONICS, INC. TRIAL**

The Pretrial Conference is scheduled for March 1, 2019 in Marshall, Texas, pursuant to the Court’s Fourth Amended Docket Control Order (Case No. 17-cv-00513, 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, “LG Korea” or “Defendant” means LG Electronics, Inc.

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 contends that this Court has personal jurisdiction over the parties. LG Korea disputes that this Court has personal jurisdiction over it in this District. LG Korea does not waive any, and reserves all rights to challenge personal jurisdiction. Further, to the extent there is personal jurisdiction over LG Korea, any such jurisdiction is limited solely to the acts in Texas that are alleged to create specific jurisdiction. LG will not contest venue at trial separate from its arguments regarding the court's lack of personal jurisdiction.

B. NATURE OF ACTION

Plaintiff AGIS alleges that Defendant LG Korea 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 certain Android-based phones and tablets, based on certain software on those devices. AGIS further alleges that LG Korea willfully infringes the Patents-in-Suit. AGIS alleges that it is entitled to damages from the issue date forward for each patent-in-suit, which is July 3, 2012 for the '970 patent, August 2, 2016 for the '055 patent, September 13, 2016 for the '251 patent, and October 11, 2016 for the '838 patent.

LG Korea contends that there is no infringement of any of the asserted patents and that each of the asserted claims of the patents is invalid.

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

Plaintiff AGIS alleges that Defendant LG 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 Android-based phones and tablets, including but not limited to V30 (H931, LS998U, H932, H932U, VS996, US998, AS998), X charge (US601, SP320, M327, M322), Q6 (US700), G6+ (US997U), G6 (US997, VS988, AS993, H871, H872, LS993), Fiesta 2 (L173BL, L164VL), V20 (LS997, H910, H918, US996, VS995), X venture (US701, H700), Stylo 3 (LS777), Stylo 3 Plus (MP450, TP450), Tribute HD (LS676), Rebel 2 (L57BL, L58BL, L58VL), Fiesta LTE (L63BL, L64VL), Stylo 3 LTE (L83BL, L84VL), K20 plus (MP260, TP260), Grace LTE (L59BL), K3 (AS110, US110, LS450), Stylo 3 (LS777, M430), Phoenix 3 (M150), Risio 2 (M154), K8 2017 (US215), Stylo 2 V (VS835), K20 (M255, RS501), K20 V (VS501), Aristo (M210), Harmony (M257), G5 (VS987, AS992, H820, H830, LS992, RS988, US992), G5 (VS987, AS992, H820, H830, LS992, RS988, US992), Aristo Silver (MS210), Aristo Cobalt Blue (MS210UK), Stylo 2 Plus (MS550BK, K550), Fortune (M153), Tribute HD (LS676), X power (K212, K450, LS755, US610), K10 (MS428, K425, K428SG), Stylo 2 (LS775, K540), G Vista (VS880), Escape 3 (K373), Classic (L18VC), Rebel LTE (L43AL, L44VL), Treasure LTE (L51AL, L52VL), Premier LTE (L61AL, L62VL), Stylo 2 LTE (L82VL), K7 (MS330, AS375, K330), K8 (RS500, US375), G4 (US991), K4 (VS425), Optimus Zone 3 (VS425PP), K8 V (VS500, VS500PP), Phoenix 2 (K371), Tribute 5 (LS675), Spree (K120), G Vista 2 (H740), Escape 2 (H443), Risio (H343), Access TE (L31L), Leon LTE (H345, MS345), G Stylo (H631, MS631, H634, LS770), Volt 2 (LS751), Tribute 2 (LS665), Escape 2 (H445), Logos (US550), Transpyre (VS810PP), G3 (D850, LS990, D851, AS985, VS985, AS990, US990), Ultimate 2

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