

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



**DECLARATION OF VINCENT J. RUBINO III 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 AND
NO INDIRECT INFRINGEMENT OF U.S. PATENT NO. 8,213,970 (DKT. 120)**

I, Vincent J. Rubino III, 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 and No Indirect Infringement of U.S. Patent No. 8,213,970 (Dkt. 120). 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 Attachment A to the Expert Report of Joseph McAlexander, dated December 14, 2018.

4. Attached hereto as Exhibit B is a true and correct copy of annotated excerpts of the Expert Report of Joseph McAlexander, dated December 14, 2018.

5. Attached hereto as Exhibit C is a true and correct copy of Exhibit 2 to the February 2, 2019 Deposition of Andrew Wolfe.

6. Attached hereto as Exhibit D is a true and correct copy of Exhibit 3 to the February 2, 2019 Deposition of Andrew Wolfe.

7. Attached hereto as Exhibit E is a true and correct copy of Exhibit 4 to the February 2, 2019 Deposition of Andrew Wolfe.

8. Attached hereto as Exhibit F is a true and correct copy of Exhibit 5 to the February 2, 2019 Deposition of Andrew Wolfe.

9. Attached hereto as Exhibit F is a true and correct copy of Exhibit 5 to the February 2, 2019 Deposition of Andrew Wolfe.

10. Attached hereto as Exhibit G is a true and correct copy of Exhibit 9 to the February 2, 2019 Deposition of Andrew Wolfe.

11. Attached hereto as Exhibit H is a true and correct copy of annotated excerpts of the Transcript of the February 1, 2019 Deposition of Andrew Wolfe.

12. Attached hereto as Exhibit I is a true and correct copy of annotated excerpts of the Expert Report of Andrew Wolfe, dated January 11, 2019.

13. Attached hereto as Exhibit J is a true and correct copy of [REDACTED]

14. Attached hereto as Exhibit K is a true and correct copy of [REDACTED]

15. Attached hereto as Exhibit L is a true and correct copy of [REDACTED]

16. Attached hereto as Exhibit M is a true and correct copy of [REDACTED]

17. Attached hereto as Exhibit N is a true and correct copy of [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/ Vincent J. Rubino III

Vincent J. Rubino III