

**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

[REDACTED]

**DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF PLAINTIFF
AGIS SOFTWARE DEVELOPMENT LLC’S SUR-REPLY IN OPPOSITION TO
HTC CORPORATION’S SEALED MOTION FOR SUMMARY JUDGMENT
OF NO PRE-SUIT INDIRECT INFRINGEMENT (DKT. 109)**

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’ Sur-Reply in Opposition to HTC Corporation’s Sealed Motion for Summary Judgment of No Pre-Suit Indirect Infringement (Dkt. 109). 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 the webpage at url <https://www.htc.com/us/support/htc-10/news/>.

4. Attached hereto as Exhibit B is a true and correct copy of annotated excerpts of the

[REDACTED]

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

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

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on February 28, 2019.

/s/ Alfred R. Fabricant

Alfred R. Fabricant