

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

AGIS SOFTWARE DEVELOPMENT LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 2:17-CV-516-JRG

**DECLARATION OF KERRI-ANN LIMBEEK IN SUPPORT OF  
DEFENDANT APPLE'S MOTION TO TRANSFER VENUE  
TO THE NORTHERN DISTRICT OF CALIFORNIA**

I, Kerri-Ann Limbeek, declare that:

1. I am an associate with the law firm of Desmarais LLP, counsel of record for Defendant Apple Inc. ("Apple") in the above-captioned matter, and I am admitted *pro hac vice* to this Court. I submit this declaration based on personal knowledge, and if called upon as a witness, I could competently testify to the truth of each statement herein.

2. I make this Declaration in support of Defendant Apple's Motion to Transfer Venue to the Northern District of California.

3. Attached hereto as Exhibit 1 is a true and correct copy of the cover pleading for Plaintiff's Disclosure of Asserted Claims and Infringement Contentions, served on October 6, 2017 in this action. It has been highlighted for clarity.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Final Judgment, which issued April 26, 2017 in the action *Advanced Ground Information Systems, Inc. v. Life360, Inc.*, 9:14-cv-80651-DMM, (S.D. Fla.), D.I. 171.

5. Attached hereto as Exhibit 3 is a true and correct copy of the formal mandate, which issued March 13, 2015 in the action *Advanced Ground Information Systems, Inc. v. Life360, Inc.*, 9:14-cv-80651-DMM, (S.D. Fla.), D.I. 210.

6. Attached hereto as Exhibit 4 is a true and correct copy of an Order Granting In Part And Denying In Part Defendant's Motion For Attorneys' Fees, dated December 1, 2015, in the action *Advanced Ground Information Systems, Inc. v. Life360, Inc.*, 9:14-cv-80651-DMM, (S.D. Fla.), D.I. 200.

7. Attached hereto as Exhibit 5 is a true and correct copy of the United States Patent and Trademark Office Assignment abstract for U.S. Patent No. 8,213,970, which was produced by plaintiff bearing production numbers AGISTX\_00006039-AGISTX\_00006040. It has been highlighted for clarity.

8. Attached hereto as Exhibit 6 is a true and correct copy of the United States Patent and Trademark Office Assignment abstract for U.S. Patent No. 9,408,055, which was produced by plaintiff bearing production numbers AGISTX\_00006041-AGISTX\_00006042. It has been highlighted for clarity.

9. Attached hereto as Exhibit 7 is a true and correct copy of the United States Patent and Trademark Office Assignment abstract for U.S. Patent No. 9,445,251, which was produced by plaintiff bearing production numbers AGISTX\_00006043-AGISTX\_00006044. It has been highlighted for clarity.

10. Attached hereto as Exhibit 8 is a true and correct copy of the United States Patent and Trademark Office Assignment abstract for U.S. Patent No. 9,467,838, which was produced by plaintiff bearing production numbers AGISTX\_00006045-AGISTX\_00006046. It has been highlighted for clarity.

11. Attached hereto as Exhibit 9 is a true and correct copy of the website <https://www.agisinc.com/> accessed on November 9, 2017. Exhibit 9 lists the address of AGIS, Inc.'s "Main Office" as 92 Lighthouse Drive, Jupiter, FL 33469. It has been highlighted for clarity.

12. Attached hereto as Exhibit 10 is a true and correct copy of the Declaration of Malcolm K. Beyer, Jr. submitted in support of AGIS, Inc.'s Opposition To Defendant's Motion To Transfer, dated July 11, 2014, in the action *Advanced Ground Information Systems, Inc. v. Life360, Inc.*, 9:14-cv-80651-DMM, (S.D. Fla.), D.I. 32-1.

13. Attached hereto as Exhibit 11 is a true and correct copy the Certificate of Formation for AGIS Software LLC, filed June 1, 2017. The Certificate of Formation lists as its governing organization AGIS Holdings Inc., at the address 192 Lighthouse Drive, Jupiter, FL 33469. The Certificate of Formation lists as is organizer Thomas C. Meriam, at the address 620 Eighth Ave., Floor 24, New York, NY 10018. The Certificate of Formation lists the address of its registered agent as 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218. It has been highlighted for clarity.

14. Attached hereto as Exhibit 12 is a true and correct copy the Certificate of Correction for AGIS Software Development LLC, filed June 27, 2017. The Certificate of Correction corrects AGIS Holdings Inc.'s address to 92 Lighthouse Drive, Jupiter, FL 33469. It has been highlighted for clarity.

15. Attached hereto as Exhibit 13 is a true and correct copy of an excerpt of Plaintiff's Initial Disclosures to Defendant Apple, Inc., served on October 11, 2017 in this action.

16. Attached hereto as Exhibit 14 is a true and correct copy of excerpts of the prosecution history for U.S. Patent No. 9,408,055, which was produced by plaintiff bearing

production numbers AGISTX\_00004732, AGISTX\_00004743-AGISTX\_00004745, AGISTX\_00005105-AGISTX\_00005106. It has been highlighted for clarity.

17. Attached hereto as Exhibit 15 is a true and correct copy of excerpts of the prosecution history for U.S. Patent No. 9,445,251, which was produced by plaintiff bearing production numbers AGISTX\_00004010, AGISTX\_00004015, AGISTX\_00004353. It has been highlighted for clarity.

18. Attached hereto as Exhibit 16 is a true and correct copy of excerpts of the prosecution history for U.S. Patent No. 9,467,838, which was produced by plaintiff bearing production numbers AGISTX\_00002315, AGISTX\_00002332- AGISTX\_00002333, AGISTX\_00002379- AGISTX\_00002380. It has been highlighted for clarity.

19. Attached hereto as Exhibit 17 is a true and correct copy of excerpts of the prosecution history for U.S. Patent No. 9,749,829, which was produced by plaintiff bearing production numbers AGISTX\_00003133, AGISTX\_00003384-AGISTX\_00003386, AGISTX\_00003416-AGISTX\_00003417, AGISTX\_00003605. It has been highlighted for clarity.

20. Attached hereto as Exhibit 18 is a true and correct copy of the website <https://www.linkedin.com/in/danburnspatent/> accessed on November 9, 2017. Exhibit 18 is the Linked In page for Dan Burns. In the “Experience” section, the website lists Futurewei Technologies, Inc. Dec 2016 – Present in Santa Clara, California and Goodwin Proctor LLP Oct 2013 – Dec 2016 in Silicon Valley. It has been highlighted for clarity.

21. Attached hereto as Exhibit 19 is a true and correct copy of the website <https://www.distancecalculator.net/> accessed on November 9, 2017, calculating the distance between Redmond, WA and San Francisco, CA as 685 miles. It has been highlighted for clarity.

22. Attached hereto as Exhibit 20 is a true and correct copy of the website <https://www.distancecalculator.net/> accessed on November 9, 2017, calculating the distance between Redmond, WA and Marshall, TX as 1,787 miles. It has been highlighted for clarity.

23. The difference between the distance from Redmond, WA to Marshall, TX and the distance from Redmond, WA to San Francisco, CA is 1,102 miles.

24. Attached hereto as Exhibit 21 is a true and correct copy of excerpts of the United States District Court—National Judicial Caseload Profile, Reporting Period June 30, 2017, which was accessed on November 9, 2017 at [http://www.uscourts.gov/sites/default/files/data\\_tables/fcms\\_na\\_appprofile0630.2017.pdf](http://www.uscourts.gov/sites/default/files/data_tables/fcms_na_appprofile0630.2017.pdf). It has been highlighted for clarity.

Executed on November 13, 2017, in New York, NY.

/s/ Kerri-Ann Limbeek  
Kerri-Ann Limbeek