

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

AGIS SOFTWARE DEVELOPMENT, LLC,	:	
	:	Case No. 2:17-cv-517-JRG
Plaintiff,	:	
	:	
v.	:	
	:	
ZTE CORPORATION, ET AL.,	:	
	:	
Defendants.	:	
	:	

**DECLARATION OF VINCENT J. RUBINO, III IN SUPPORT OF
PLAINTIFF AGIS SOFTWARE DEVELOPMENT, LLC’S
UNOPPOSED MOTION FOR LEAVE TO FILE A CORRECTED
SUR-REPLY IN OPPOSITION TO ZTE DEFENDANTS’ MOTION (DKT. 38)
TO DISMISS PLAINTIFF’S COMPLAINT FOR IMPROPER VENUE OR,
IN THE ALTERNATIVE, TO TRANSFER VENUE**

I, Vincent J. Rubino III, being duly sworn, hereby deposes and states as follows:

1. I am a member of Brown Rudnick LLP, counsel of record for Plaintiff AGIS Software Development LLC (“AGIS”). I am a member of the Bar of the State of New York and have been admitted to practice in the United States District Court for the Eastern District of Texas. I make this declaration in support of AGIS Software Development, LLC’s Unopposed Motion for Leave to File a Corrected Sur-Reply. The statements in this declaration are based upon my review of information obtained from public records.

2. I submitted a declaration in connection with AGIS’s Sur-reply brief on January 26, 2018. Dkt. 52-1. On January 29, 2018, I became aware of certain clerical errors with my declaration and with AGIS’s Sur-Reply Brief (Dkt. 52). AGIS’s brief and my declaration list the incorrect date for the service of AGIS’s Preliminary Infringement Contentions on ZTE. Dkt. 52

at n. 5; Dkt. 52-1 at ¶ 2. Additionally, I had intended to attach AGIS's Preliminary Infringement Contentions served on ZTE as Exhibit 11 to my declaration, but I inadvertently attached AGIS's Preliminary Infringement Contentions served on Huawei in a co-pending related case. Dkt. 52-1. I submit this declaration in order to correct those errors.

3. Attached hereto as Exhibit A is a true and correct copy of AGIS's Corrected Sur-Reply in Opposition to ZTE Defendants' Motion (Dkt. 38) to Dismiss Plaintiff's Complaint for Improper Venue or in the Alternative, to Transfer Venue, including the correction to the date listed in footnote 5.

4. Attached hereto as Exhibit B is a true and correct copy of a redline version of AGIS's Corrected Sur-Reply in Opposition to ZTE Defendants' Motion (Dkt. 38) to Dismiss Plaintiff's Complaint for Improper Venue or in the Alternative, to Transfer Venue showing the correction to the date listed in footnote 5 and updated pin-cite to Exhibit 11.

5. Attached hereto as Exhibit C is a true and correct copy of the corrected Declaration of Vincent J. Rubino, III in Support of Plaintiff AGIS Software Development, LLC's Sur-Reply in Opposition to Defendants' Motion (Dkt. 38) to Dismiss Plaintiff's Complaint for Improper Venue or, in the Alternative, to Transfer Venue, including the correction to the date listed in ¶ 2.

6. Attached hereto as Exhibit D is a true and correct copy of corrected Exhibit 11, the cover document of Plaintiff's Disclosure of Asserted Claims and Infringement Contentions served on ZTE on January 19, 2018, that I had intended to attach to my original declaration.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on February 7, 2018.

/s/ Vincent J. Rubino, III
Vincent J. Rubino, III