

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

**AGIS SOFTWARE DEVELOPMENT,
LLC,**

Plaintiff,

v.

ZTE CORPORATION, ET AL.,

Defendants.

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Case No. 2:17-cv-517-JRG

JURY TRIAL DEMANDED

**DECLARATION OF VINCENT J. RUBINO, III IN SUPPORT OF
PLAINTIFF AGIS SOFTWARE DEVELOPMENT, LLC’S MOTION
FOR ALTERNATIVE SERVICE OF DEFENDANT ZTE
CORPORATION PURSUANT TO FED. R. CIV. P. 4(f)(3)**

I, Vincent J. Rubino, III, being duly sworn, hereby depose and state 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’s Motion for Alternative Service of Defendant ZTE Corporation Pursuant to Federal Rule of Civil Procedure 4(f)(3).

2. Attached hereto as Exhibit 1 is a true and correct copy of an e-mail chain between Enrique W. Iturralde, an attorney at Brown Rudnick, LLP and counsel for AGIS, and employees of Process Service Network, LLC, dated August 9, 2017.

3. Attached hereto as Exhibit 2 is a true and correct copy of an e-mail chain between Enrique W. Iturralde, an attorney at Brown Rudnick, LLP and counsel for AGIS, and employees of Process Service Network, LLC, dated December 26, 2017.

4. Attached hereto as Exhibit 3 is a true and correct copy of an e-mail chain between Enrique W. Iturralde, an attorney at Brown Rudnick, LLP and counsel for AGIS, and employees of Process Service Network, LLC, dated between February 20, 2018 and March 1, 2018.

5. Attached hereto as Exhibit 4 is a true and correct copy of a notice of attorney appearance of Calli Turner, attorney at McDermott Will & Emery LLP, 2501 North Harwood Street, Suite 1900, Dallas TX 75201-1664, on behalf of ZTE Corporation submitted in *Fundamental Innovation Sys. Int'l, LLC v. ZTE Corp., et al.*, No. 3:17-cv-1827 (N.D. Tex.).

6. Attached hereto as Exhibit 5 is a true and correct copy of a notice of attorney appearance of Charles M. McMahon, attorney at McDermott Will & Emery LLP, 444 West Lake Street, Suite 4000, Chicago, IL 60606, on behalf of ZTE Corporation submitted in *Fundamental Innovation Sys. Int'l, LLC v. ZTE Corp., et al.*, No. 3:17-cv-1827 (N.D. Tex.).

7. Attached hereto as Exhibit 6 is a true and correct copy of a notice of attorney appearance of Michael D. Hemes, attorney at McDermott Will & Emery LLP, 444 West Lake Street, Suite 4000, Chicago, IL 60606, on behalf of ZTE Corporation submitted in *Fundamental Innovation Sys. Int'l, LLC v. ZTE Corp., et al.*, No. 3:17-cv-1827 (N.D. Tex.).

8. Attached hereto as Exhibit 7 is a true and correct copy of a notice of attorney appearance of Jay H. Reiziss, attorney at McDermott Will & Emery LLP, 500 North Capitol Street, NW, Washington, DC 20001, on behalf of ZTE Corporation

submitted in *Fundamental Innovation Sys. Int'l, LLC v. ZTE Corp., et al.*, No. 3:17-cv-1827 (N.D. Tex.).

9. Attached hereto as Exhibit 8 is a true and correct copy of a notice of attorney appearance of Michael S. Nadal, attorney at McDermott Will & Emery LLP, 500 North Capitol Street, NW, Washington, DC 20001, on behalf of ZTE Corporation submitted in *Fundamental Innovation Sys. Int'l, LLC v. ZTE Corp., et al.*, No. 3:17-cv-1827 (N.D. Tex.).

10. Attached hereto as Exhibit 9 is a true and correct copy of a notice of attorney appearance of Natalie A. Bennett, attorney at McDermott Will & Emery LLP, 500 North Capitol Street, NW, Washington, DC 20001, on behalf of ZTE Corporation submitted in *Fundamental Innovation Sys. Int'l, LLC v. ZTE Corp., et al.*, No. 3:17-cv-1827 (N.D. Tex.).

11. Attached hereto as Exhibit 10 is a true and correct copy of a notice of attorney appearance of Hersh H. Mehta, attorney at McDermott Will & Emery LLP, 444 West Lake Street, Suite 4000, Chicago, IL 60606, on behalf of ZTE Corporation submitted in *Fundamental Innovation Sys. Int'l, LLC v. ZTE Corp., et al.*, No. 3:17-cv-1827 (N.D. Tex.).

12. Attached hereto as Exhibit 11 is a true and correct copy of a power of attorney submitted by J. Ray Wood, Chief Patent Counsel on behalf of ZTE Corporation and ZTE (USA) Inc. appointing the following counsel as lead and back-up counsel to transact business before the Patent Trial & Appeal Board of the United States Patent and Trademark Office in connection with an *inter partes* review proceeding regarding for IPR2018-00235 in *ZTE Corp., et al. v. Hitachi Maxell, Ltd.*: (1) Steven A. Moore,

Pillsbury Winthrop Shaw Pittman LLP, 501 West Broadway, Suite 1100, San Diego, CA 92101; (2) Cheng (Jack) Ko, Pillsbury Winthrop Shaw Pittman LLP, 501 West Broadway, Suite 1100, San Diego, CA 92101; (3) Howard N. Wisnia, Pillsbury Winthrop Shaw Pittman LLP, 501 West Broadway, Suite 1100, San Diego, CA 92101; and (4) Brian Nash, Pillsbury Winthrop Shaw Pittman LLP, 111 Congress Avenue, Suite 400, Austin, TX 78701.

13. Attached hereto as Exhibit 12 is an email chain between Danielle A. D'Aquila, an attorney at Brown Rudnick, LLP and counsel for AGIS, and counsel at McDermott Will & Emery LLP, dated between April 21, 2018 and May 11, 2018.

14. Attached hereto as Exhibit 13 is an email chain between Danielle A. D'Aquila, an attorney at Brown Rudnick, LLP and counsel for AGIS, and counsel at Pillsbury Winthrop Shaw Pittman LLP, dated between April 21, 2018 and May 2, 2018.

15. Attached hereto as Exhibit 14 is a press release titled, "ZTE corporation Appoints New Chief Export Compliance Officer to Enhance Regulatory Compliance Program," published on November 14, 2016 on ZTE Corporation's website, located at <https://web.archive.org/web/20161118024953/http://www.zte.com.cn/global/about/press-center/news/201611ma/1115> (last accessed May 21, 2018).

16. Attached hereto as Exhibit 15 is a true and correct copy of the LinkedIn profile of Matt Bell, the Chief Compliance Officer and Legal Counsel at ZTE (USA), Inc. and Deputy Chief Compliance Officer, Chief Export Compliance Officer, and Legal Counsel at ZTE Corporation, located at <https://www.linkedin.com/in/mattkbell/> (last accessed May 21, 2018).

17. Attached hereto as Exhibit 16 is a true and correct copy of the profile of Lixin Cheng, Senior Vice President of ZTE Corporation and Chairman and CEO of ZTE (USA), Inc., on ZTE (USA), Inc.'s website, located at <https://www.zteusa.com/lixincheng> (last accessed May 21, 2018).

18. Attached hereto as Exhibit 17 is a true and correct copy of the civil docket for *Fundamental Innovation Sys. Int'l, LLC v. ZTE Corp., et al.*, No. 3:17-cv-1827 (N.D. Tex. Feb. 13, 2017), located at https://ecf.txnd.uscourts.gov/cgi-bin/DktRpt.pl?562410715833221-L_1_0-1 (last accessed May 21, 2018).

19. Attached hereto as Exhibit 18 is a true and correct copy of print screens of the docket entries for IPR2018-00235 in *ZTE Corp., et al. v. Hitachi Maxell, Ltd.*, located at <https://ptab.uspto.gov/#/login> (last accessed May 21, 2018).

20. Attached hereto as Exhibit 19 is a true and correct copy of the S&P Capital IQ report for ZTE (USA), Inc. as it was filed in *Fundamental Innovation Sys. Int'l, LLC v. ZTE Corp., et al.*, No. 3:17-cv-1827 (N.D.T.X Feb. 13, 2017), Dkt. 53-4.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 21, 2018 in New York, N.Y.

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