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

AGIS SOFTWARE DEVELOPMENT LLC, Plaintiff, v. T-MOBILE USA, INC. and T-MOBILE US, INC.,	§ § § § § § § § § §	Case No. 2:21-cv-00072-JRG (LEAD CASE) **JURY TRIAL DEMANDED**
LYFT, INC.,	§ § § § §	Case No. 2:21-cv-00024-JRG (MEMBER CASE) **JURY TRIAL DEMANDED**
UBER TECHNOLOGIES, INC., d/b/a UBER,	§ § § § §	Case No. 2:21-cv-00026-JRG (MEMBER CASE) **JURY TRIAL DEMANDED**
WHATSAPP, INC., Defendants.	§ § § § §	Case No. 2:21-cv-00029-JRG (MEMBER CASE) **JURY TRIAL DEMANDED**

**DECLARATION OF VINCENT J. RUBINO, III
IN SUPPORT OF PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S
OPENING CLAIM CONSTRUCTION BRIEF**

I, Vincent J. Rubino, III, hereby declare as follows:

1.   I have personal knowledge of the facts set forth in this declaration. I am competent to testify as to all matters stated, and I am not under any legal disability that would in any way preclude me from testifying.

2.   I am a Partner at the law firm of Fabricant LLP and counsel of record for Plaintiff AGIS Software Development LLC, in this matter.

3.   The exhibits attached to this declaration may contain annotations and/or excerpts of the originals.

4.   Attached hereto as Exhibit A is a true and correct copy of U.S. Patent No. 7,630,724, issued by the USPTO on December 8, 2009 to Malcolm K. Beyer, Jr.

5.   Attached hereto as Exhibit B is a true and correct copy of U.S. Patent No. 7,031,728, issued by the USPTO on April 18, 2006 to Malcolm K. Beyer, Jr.

6.   Attached hereto as Exhibit C is a true and correct copy of U.S. Patent No. 8,213,970, issued by the USPTO on July 3, 2012 to Malcolm K. Beyer, Jr.

7.   Attached hereto as Exhibit D is a true and correct copy of U.S. Patent No. 9,408,055, issued by the USPTO on August 2, 2016 to Malcolm K. Beyer, Jr.

8.   Attached hereto as Exhibit E is a true and correct copy of U.S. Patent No. 9,445,251, issued by the USPTO on September 13, 2016 to Malcolm K. Beyer, Jr.

9.   Attached hereto as Exhibit F is a true and correct copy of U.S. Patent No. 9,467,838, issued by the USPTO on October 11, 2016 to Malcolm K. Beyer, Jr.

10.   Attached hereto as Exhibit G is a true and correct copy of U.S. Patent No. 9,749,829, issued by the USPTO on August 29, 2017 to Malcolm K. Beyer, Jr.

11.   Attached hereto as Exhibit H is a true and correct copy of U.S. Patent No. 10,299,100, issued by the USPTO on May 21, 2019 to Malcolm K. Beyer, Jr.

12.   Attached hereto as Exhibit I is a true and correct copy of U.S. Patent No. 10,341,838, issued by the USPTO on July 2, 2019 to Malcolm K. Beyer, Jr.

13.   Attached hereto as Exhibit J is a true and correct copy of the Declaration of Joseph C. McAlexander, III Regarding Claim Construction in *AGIS Software Development, LLC*

v. T-Mobile USA, Inc. and T-Mobile US, Inc., Case No. 2:21-cv-00072-JRG-RSP (Lead Case),

dated August 17, 2021.

14.   Attached hereto as Exhibit K is a true and correct copy of the Petition for *Inter*

Partes Review of U.S. Patent No. 7,630,724, IPR2021-01178 at Paper 2 (P.T.A.B Jun. 6, 2021).

15.   Attached hereto as Exhibit L is a true and correct copy of the Claim Construction

Memorandum Order Issued in *AGIS Software Development, LLC v. Huawei Device USA Inc., et*

al., Case No. 2:17-cv-00513-JRG (E.D Tex. Oct. 10, 2018), Dkt. 205.

16.   Attached hereto as Exhibit M is a true and correct copy of the Claim Construction

Memorandum Order Issued in *AGIS Software Development, LLC v.Google LLC, et al.*, Case No.

2:19-cv-00361-JRG (Lead Case) (E.D. Tex. Dec. 8, 2020), Dkt. 147.

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

Executed on September 7, 2021 in Livingston, New Jersey.

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