

EXHIBIT 1

**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.,

UBER TECHNOLOGIES, INC., d/b/a
UBER,

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Case No. 2:21-cv-00072-JRG
(LEAD CASE)

JURY TRIAL DEMANDED

Case No. 2:21-cv-00026-JRG
(MEMBER CASE)

JURY TRIAL DEMANDED

**DECLARATION OF JOPSEH C. M[€]ALEXANDER III IN SUPPORT OF PLAINTIFF
AGIS SOFTWARE DEVELOPMENT LLC’S OPPOSED MOTION FOR EXTENSION
OF CLOSE OF EXPERT DISCOVERY AND DEADLINES FOR DISPOSITIVE
MOTIONS AND MOTIONS TO STRIKE EXPERT REPORTS**

I, Joseph C. M[€]Alexander III, hereby declare as follows:

1. I am the technical expert of Plaintiff AGIS Software Development LLC (“AGIS”) with regard to Defendant Uber Technologies, Inc. d/b/a Uber (“Uber”). I submit this declaration based on my personal knowledge and in support of AGIS’s Opposed Motion for Extension of Close of Expert Discovery and Deadlines for Dispositive Motions and Motions to Strike Expert Report.

2. On November 8, 2021, I submitted the Expert Report of Joseph C. M[€]Alexander III Regarding Infringement of U.S. Patent Numbers: 8,213,970; 7,031,728; 7,630,724; 10,299,100; and 10,341,838 with respect to Uber.

3. On November 29, 2021, I submitted the Rebuttal Expert Report of Joseph C. M[§]Alexander^{III} Regarding Validity of U.S. Patent Numbers: 8,213,970; 7,031,728; 7,630,724; 10,299,100; and 10,341,838 with respect to Uber.

4. I understand that counsel for Uber requested my availability for deposition on November 29, 2021.

5. I informed counsel for AGIS that my first availability for deposition was December 20, 2021 and I understand that this is the date AGIS has offered to Uber.

6. I informed counsel for AGIS that I was unavailable for deposition the week of November 29, 2021 due to an expert declaration in the case IPR2020-01612, an expert report in the case 1:14-cv-01480, an expert declaration in ex parte reexamination control number 90/014,675, and scheduled deposition preparation for case IPR2021-00381.

7. I also informed counsel for AGIS that I was unavailable for deposition the week of December 6, 2021 due to scheduled deposition preparation for case IPR2021-00305, expert declarations in cases IPR2021-00650 and IPR2021-00652, deposition preparation and deposition for case IPR2021-00172, and completion of the expert report for case 1:14-cv-01480.

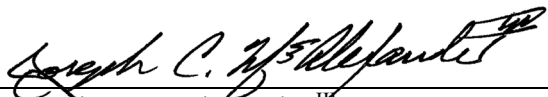
8. I further informed counsel for AGIS that I was unavailable for deposition the week of December 13, 2021 due to deposition preparation and four depositions in the following cases: IPR2021-00255, IPR2021-00305, IPR2021-00381, and 6:19-cv-00656-ADA.

9. I understand that counsel for Uber requested two days for deposition for the two expert reports I have submitted with respect to Uber. I informed counsel for AGIS that I am available for deposition on December 20, 2021 and December 22, 2021 even though I have an expert declaration due in case IPR2021-00612 on December 23, 2021.

10. I understand that counsel for Uber has not accepted these dates. I will hold open these dates on the request of AGIS's counsel as Uber's counsel has not indicated their unavailability for these dates.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on December 3, 2021 in Richardson, TX.



Joseph C. McAlexander III