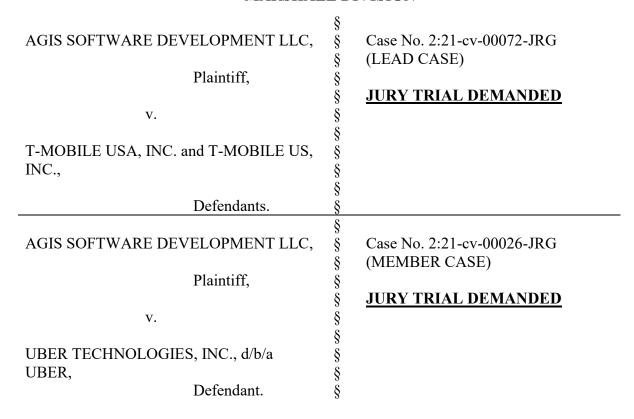
IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION



DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S RESPONSE IN OPPOSITION TO DEFENDANT UBER TECHNOLOGIES, INC., D/B/A UBER'S MOTION TO DISMISS (DKT. 24)

- I, Alfred R. Fabricant, 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 Uber Technologies, Inc. Form 10-K Annual Report for the period ending December 31, 2020.
- 5. Attached hereto as Exhibit B is a true and correct copy of a screenshot entitled Want to Build Data Centers for Uber? Follow This Simple Recipe by Yevgeniy Sverdiik, dated November 5, 2018 taken at https://www.datacenterknowledge.com/uber/want-build-data-centers-uber-follow-simple-recipe.
- 6. Attached hereto as Exhibit C is a true and correct copy of s a true and correct copy of Uber Technologies, Inc. Form S-1 Registration Statement Under the Securities Act of 1933 filed April 11, 2019.
- 7. Attached hereto as Exhibit D is a true and correct copy of U.S. Patent No. 7,031,728 entitled Cellular Phone/PDA Communication System.
- 8. Attached hereto as Exhibit E is a true and correct copy of U.S. Patent No. 10,341,838 entitled Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.
- Attached hereto as Exhibit F is a true and correct copy of U.S. Patent No.
 7,630,724 entitled Method of Providing a Cellular Phone/PDA Communication System.
 I declare under penalty of perjury that the foregoing is true and correct.
 Executed on May 7, 2021 in Rye, New York.

/s/ Alfred R. Fabricant
Alfred R. Fabricant

