

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

|                                   |   |                                   |
|-----------------------------------|---|-----------------------------------|
| AGIS SOFTWARE DEVELOPMENT LLC,    | § | Case No. 2:22-cv-00263-JRG-RSP    |
|                                   | § |                                   |
| Plaintiff,                        | § | <b><u>JURY TRIAL DEMANDED</u></b> |
|                                   | § |                                   |
| v.                                | § |                                   |
|                                   | § |                                   |
| SAMSUNG ELECTRONICS CO., LTD. and | § |                                   |
| SAMSUNG ELECTRONICS, AMERICA,     | § |                                   |
| INC.,                             | § |                                   |
|                                   | § |                                   |
| Defendants.                       | § |                                   |
|                                   | § |                                   |

**DECLARATION OF MARK LIANG IN SUPPORT OF SAMSUNG'S MOTION FOR  
LEAVE TO AMEND INVALIDITY CONTENTIONS UNDER P.R. 3-6(b)**

I, Mark Liang, declare and state as follows:

1. I am a Partner at O'Melveny & Myers LLP, counsel for Defendants Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc. ("Samsung") in the above captioned matter.

2. I submit this declaration in support of Samsung's Motion for Leave to Amend Invalidity Contentions Under P.R. 3-6(b), filed concurrently herewith. I have personal knowledge of the statements set forth in this declaration and, if called as a witness, would testify competently.

3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from AGIS's November 2022 ITC complaint against Google, Samsung, OnePlus, TCL, Lenovo, Motorola, HMD, Sony, ASUS, Caterpillar, BLU, Panasonic, Kyocera, and Xiaomi (Inv. No. 337-TA-1347), with cited sections highlighted.

4. Attached hereto as **Exhibit B** is a true and correct copy of Order No. 26 in ITC Inv. No. 337-TA-1347, issued on June 20, 2023, providing an initial determination granting AGIS's motion to withdraw its November 2022 ITC complaint against Google, Samsung, TCL, Lenovo, Motorola, HMD, Sony, ASUS, BLU, and Panasonic, with cited sections highlighted.

5. Attached hereto as **Exhibit C** is a true and correct copy of excerpts of Samsung's Invalidity Contentions claim chart for U.S. Patent No. 9,467,838 ("838 Patent"), asserting prior art reference U.S. Patent No. 7,353,034, which is the issued patent of U.S. Patent Publication No. 2006/0223518 ("Haney").

6. Attached hereto as **Exhibit D** is a true and correct copy of excerpts of Samsung's Invalidity Contentions claim chart for the '838 Patent, asserting prior art reference U.S. Patent No. 7,630,724, which is the issued patent of U.S. Patent Publication No. 2006/0199612 ("Beyer '612").

7. Attached hereto as **Exhibit E** is a true and correct copy of the Haney prior art reference.

8. Attached hereto as **Exhibit F** is a true and correct copy of the Beyer '612 prior art

reference.

9. Attached hereto as **Exhibit G** is a true and correct copy of U.S. Patent No. 7,031,728 (“Beyer ’728”).

10. Attached hereto as **Exhibit H** is a true and correct copy of Respondents’ Invalidation Contentions claim chart for the Haney prior art reference, served in ITC Inv. No. 337-TA-1347 on May 18, 2023.

11. Attached hereto as **Exhibit I** is a true and correct copy of Respondents’ Invalidation Contentions claim chart for the Beyer ’612 prior art reference, served in ITC Inv. No. 337-TA-1347 on May 18, 2023.

12. Attached hereto as **Exhibit J** is a true and correct copy of Respondents’ Invalidation Contentions claim chart for the Beyer ’728 prior art reference, served in ITC Inv. No. 337-TA-1347 on May 18, 2023.

13. Attached hereto as **Exhibit K** is a true and correct copy of the February 2, 2023 procedural schedule in ITC Inv. No. 337-TA-1347 setting a deadline of June 6, 2023 for “responses to contention interrogatories on issues for which the responding party does not bear the burden of proof.”

14. Attached hereto as **Exhibit L** is a true and correct copy of Samsung’s proposed supplemental invalidity contentions claim chart for the Haney reference with respect to U.S. Patent No. 8,213,970 (the “’970 Patent”).

15. Attached hereto as **Exhibit M** is a true and correct copy of Samsung’s proposed supplemental invalidity contentions claim chart for the Beyer ’612 reference with respect to the ’970 Patent.

16. Attached hereto as **Exhibit N** is a true and correct copy of Samsung’s proposed supplemental invalidity contentions claim chart for the Beyer ’728 reference with respect to the ’970 Patent.

17. Attached hereto as **Exhibit O** is a true and correct copy of excerpts of Samsung’s proposed supplement to the Invalidation Contentions Cover Pleading, originally served on

February 23, 2023.

18. Attached hereto as **Exhibit P** is a true and correct copy of a redline comparison of excerpts of Samsung's proposed supplement to the Invalidity Contentions Cover Pleading against the Cover Pleading originally served on February 23, 2023.

I declare under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on September 7, 2023.

Dated: September 7, 2023

/s/ Mark Liang

Mark Liang