

CONFIDENTIAL - FILED UNDER SEAL

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

AGIS SOFTWARE DEVELOPMENT LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendant.

CIVIL ACTION NO. 2:22-cv-263-JRG

FILED UNDER SEAL

JURY TRIAL DEMANDED

**DECLARATION OF MARK LIANG IN SUPPORT OF SAMSUNG'S MOTION TO
SEVER AND TRANSFER TO THE NORTHERN DISTRICT OF CALIFORNIA
CLAIMS AGAINST GOOGLE FIND MY DEVICE**

CONFIDENTIAL

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 to Sever Claims Based on Google's Find My Device and Transfer Those Claims to the Northern District of California, 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 2019 complaint against Samsung filed in the Eastern District of Texas (Case No. 2:19-CV-00362-JRG), with cited sections highlighted.

4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from AGIS's 2019 complaint against Google filed in the Eastern District of Texas (Case No. 2:19-CV-00361-JRG), with cited sections highlighted.

5. Attached hereto as **Exhibit C** is a true and correct copy of AGIS, Google, and Waze's Joint Motion and Stipulation For Dismissal of Claims 2 and 10-13 of U.S. Patent No. 8,213,970 filed in the Northern District of California (Case No. 5:22-CV-04826-BLF, Dkt. 437).

6. Attached hereto as **Exhibit D** is a true and correct copy of Google and Waze's Notice of Motion and Motion for summary Judgment in the Northern District of California (Case No. 5:22-CV-04826-BLF, Dkt. 434), with cited sections highlighted.

7. Attached hereto as **Exhibit E** is a true and correct copy of AGIS's December 1, 2022 Disclosure of Asserted Claims and Infringement Contentions served in this Case (Eastern District of Texas Case No. 2:22-CV-00263-JRG-RSP), with cited sections highlighted.

8. Attached hereto as **Exhibit F** 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.

9. Attached hereto as **Exhibit G** 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.

10. Attached hereto as **Exhibit H** is a true and correct copy of an email chain between Samsung's counsel and AGIS's counsel where AGIS notified Samsung of its intention to file a motion for leave to amend its infringement contentions to add allegations relating to FMD, with cited sections highlighted.

11. Attached hereto as **Exhibit I** is a true and correct copy of excerpts from AGIS's 2023 complaint against Google filed in the Western District of Texas (Case No. 6:23-CV-00160-DC-DTG), with cited sections highlighted.

12. Attached hereto as **Exhibit J** is a true and correct copy of Google's unopposed motion to stay AGIS's Western District of Texas action against Google (Case No. 6:23-CV-00160-DC-DTG), with cited sections highlighted.

13. Attached hereto as **Exhibit K** is a true and correct copy of AGIS's Notice of Voluntary Dismissal Without Prejudice of its Western District of Texas action against Google (Case No. 6:23-CV-00160-DC-DTG, Dkt. 12), with cited sections highlighted.

14. Attached hereto as **Exhibit L** is a true and correct copy of excerpts from Google's 2023 declaratory judgment complaint against AGIS filed in the Northern District of California (Case No. 5:23-CV-03624-BLF), with cited sections highlighted.

15. Attached hereto as **Exhibit M** is a true and correct copy of AGIS's December 8, 2022 Initial Disclosures to Defendants Samsung Electronics, Co., Ltd. and Samsung Electronics America, Inc. served in this Case (Eastern District of Texas Case No. 2:22-CV-00263-JRG-RSP), with cited sections highlighted.

16. Attached hereto as **Exhibit N** is a true and correct copy of AGIS's Public Exhibit 144C to its 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.

17. Attached hereto as **Exhibit O** is a true and correct copy of a redacted version of the Declaration of Shannon Shaper, which was filed in support of motions to transfer in in *AGIS Software Development LLC v. Waze Mobile Limited, Google LLC, Samsung Electronics Co. Ltd, and Samsung Electronics America, Inc.*, Nos. 2:19-CV-00359-JRG, 2:19-CV-00361-JRG, 2:19-CV-00362-JRG (E.D. Tex.), with cited sections highlighted. This copy was filed support of Samsung's motion at Dkt. 46-3 in No. 2:19-CV-00361-JRG (lead case).

18. Attached hereto as **Exhibit P** is a true and correct copy of excerpts from the deposition transcript of the June 15, 2023 deposition of Sorin Dinu in ITC Inv. No. 337-TA-1347, with cited sections highlighted.

19. Attached hereto as **Exhibit Q** is a true and correct copy of excerpts from an idiCore Comprehensive Report for Neil Gilbert Seigel, prepared on July 18, 2023, with cited sections highlighted.

20. Attached hereto as **Exhibit R** is a true and correct copy of excerpts from an Accurint for Legal Professionals Comprehensive Report for Richard Dayton Haney, prepared on July 17, 2023, with cited sections highlighted.

21. Attached hereto as **Exhibit S** is a true and correct copy of excerpts from an Accurint for Legal Professionals Comprehensive Report for Stephen G Petilli, prepared on July 17, 2023, with cited sections highlighted.

22. Attached hereto as **Exhibit T** is a true and correct copy of a search on kayak.com for nonstop flights from Incheon International Airport ("ICN") in Seoul, South Korea, to Dallas/Fort Worth International Airport ("DFW").

23. Attached hereto as **Exhibit U** is a true and correct copy of a search on kayak.com for nonstop flights from ICN to San Francisco International Airport ("SFO").

24. Attached hereto as **Exhibit V** is a true and correct copy of a search on Google Maps for driving time from DFW to the U.S. District Court in Marshall, Texas.

25. Attached hereto as **Exhibit W** is a true and correct copy of Complainants'

Tentative Witness List filed in ITC Inv. No. 337-TA-1347 on April 18, 2023.

I declare under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on August 31, 2023.

Dated: August 31, 2023

/s/ Mark Liang

Mark Liang