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**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
(LEAD CASE)

JURY TRIAL DEMANDED

**DECLARATION OF COLM MALONE IN SUPPORT OF
SAMSUNG'S MOTION TO TRANSFER VENUE**

I, Colm Malone, hereby declare as follows:

1. I am over 18 years of age and competent to make this declaration. I have personal knowledge of the following facts or access to information or records allowing me to confirm these facts. If called as a witness, I could and would competently testify thereto.
2. I am Vice President of R&D Project Management at Samsung Electronics America, Inc. ("SEA"), a defendant in this action. I have worked for SEA since January 2015 when Samsung Telecommunications America, LLC ("STA") merged into SEA, and before that for STA from February 2012 through 2014.
3. I understand that AGIS Software Development LLC ("AGIS") filed on July 14, 2022, the above captioned patent infringement lawsuit against Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") (collectively, "Samsung") in the United States District Court for the Eastern District of Texas ("EDTX"). I provide this

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declaration in support of Samsung's Motion to Sever Claims Related to Find My Device and Transfer Them to the Northern District of California ("NDCA"). Unless otherwise indicated below, the statements in this declaration are based on my personal knowledge, my review of corporate records maintained by Samsung in the ordinary course of business, and/or my discussions with Samsung employees.

4. SEA is a subsidiary of SEC.

5. SEA is a New York corporation with a principal place of business in Ridgefield Park, New Jersey, and a number of office locations around the country, including in California.

6. SEA commercializes, markets and sells Samsung phones and tablets in the United States, including in the NDCA.

7. SEA's employees are not involved in the research, design, or development of the accused Google Find My Device application.

8. SEA does not have any employees (in the EDTX or elsewhere) who research, design, develop, or have access to any of Google's proprietary documentation or source code for the accused Google Find My Device application.

9. SEA has several facilities throughout California, including the NDCA, and employs over [REDACTED] regular full-time employees in California as of April 30, 2023. This includes facilities with and over [REDACTED] employees in Mountain View, CA, as of April 30, 2023, which I understand is located in the NDCA.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed in BERKELEY HEIGHTS, New Jersey on July 31, 2023.

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Colm Malone

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SAMSUNG

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