**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,	§ §	**JURY TRIAL DEMANDED**
v.	§ § §	
SAMSUNG ELECTRONICS CO., LTD., ET AL.,	§ § § §	
Defendants.	§ §	

**DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF
PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S SUR-REPLY
IN FURTHER OPPOSITION TO SAMSUNG'S MOTION FOR LEAVE
TO AMEND ANSWER TO ADD CLAIM PRECLUSION AND
KESSLER DOCTRINE AFFIRMATIVE DEFENSES (DKT. 101)**

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 2 is a true and correct copy of the Joint Stipulation and [Proposed] Case Schedule, Dkt. 433, dated March 31, 2023 in *AGIS Software Development LLC v. Google LLC (Consolidated Case)*, Case No. 5:22-cv-04826-BLF and *AGIS Software Development LLC v. Waze Mobile Ltd. (Consolidated Case)*, Case No. 5:22-cv-04826-BLF.

5.   Attached hereto as Exhibit 3 is a true and correct copy of the transcript of the August 22, 2023 hearing held before The Honorable Roy S. Payne in *AGIS Software Development Ltd. v. Samsung Electronics Co., Ltd., et al.*, Case No. 2:22-cv-263-JRG.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 12, 2023 in Rye, New York.

/s/ Alfred R. Fabricant
Alfred R. Fabricant