

**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.,

Defendants.

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

JURY TRIAL DEMANDED

**DECLARATION OF MARK LIANG IN SUPPORT OF SAMSUNG ELECTRONICS CO.
LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.'S MOTION FOR LEAVE TO
AMEND ANSWER TO ADD ISSUE PRECLUSION AFFIRMATIVE DEFENSE**

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 Answer to Add Issue Preclusion Affirmative Defense, 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 Samsung's Proposed Amended Answer that it seeks leave to file in this case, *AGIS Software Development LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.*, No. 2:22-CV-00263-JRG-RSP.

4. Attached hereto as **Exhibit B** is a true and correct copy of a redline comparison of Samsung's Proposed Amended Answer that it seeks leave to file in this case, *AGIS Software Development LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.*, No. 2:22-CV-00263-JRG-RSP, compared to the Proposed Amended Answer that Samsung filed on August 11, 2023 (as Dkt. 101-2), in this case, showing changes made.

5. Attached hereto as **Exhibit C** is a true and correct copy of a redline comparison of Samsung's Proposed Amended Answer that it seeks leave to file in this case, *AGIS Software Development LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.*, No. 2:22-CV-00263-JRG-RSP, compared to the Answer that Samsung filed on June 30, 2023 (as Dkt. 80), in this case, showing changes made.

6. Attached hereto as **Exhibit D** is a true and correct copy of the Honorable Judge Beth Labson Freeman's October 10, 2023 Summary Judgment Order in *AGIS Software Development LLC v. Google LLC*, No. 22-cv-04826-BLF (N.D. Cal.).

7. Attached hereto as **Exhibit E** is a true and correct copy of excerpts of AGIS Software Development LLC's ("AGIS") Infringement Contentions for U.S. Patent No. 9,467,838

(the “’838 Patent”), served on March 23, 2020 in *AGIS Software Development LLC v. Google LLC*, No. 2:19-cv-00361 (E.D. Tex.).

8. Attached hereto as **Exhibit F** is a true and correct copy of excerpts of AGIS’s Infringement Contentions for the ’838 Patent, served on June 23, 2023 in this case, *AGIS Software Development LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.*, No. 2:22-CV-00263-JRG-RSP.

I declare under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on November 17, 2023.

/s/ Mark Liang

Mark Liang