

**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.

Case No. 2:22-cv-00263-JRG-RSP

JURY TRIAL DEMANDED

**DECLARATION OF MARK LIANG IN SUPPORT OF SAMSUNG'S OPPOSITION TO
PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S OPPOSED
MOTION FOR LEAVE TO REQUEST SUPPLEMENTAL CLAIM CONSTRUCTION**

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. (collectively, "Samsung") in the above captioned matter.

2. I submit this declaration in support of Samsung's Opposition to Plaintiff AGIS Software Development LLC's Opposed Motion for Leave to Request Supplemental Claim Construction, 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 1** is a true and correct copy of Google LLC and Waze Mobile Ltd.'s Notice of Motion and Motion for Summary Judgment, filed as Dkt. 434 in *AGIS Software Dev. LLC v. Google LLC* ("*AGIS v. Google*"), No. 5:22-cv-04826-BLF (N.D. Cal.), with cited sections highlighted.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the Order Granting In Part and Denying In Part Defendants' Motion for Summary Judgment, filed as Dkt. 470 in *AGIS v. Google*, with cited section highlighted.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the transcript of the November 6, 2023 Case Management Conference in *AGIS v. Google*, with cited sections highlighted.

6. Attached here to as **Exhibit 4** is a true and correct copy of a November 7, 2023 email from Mark Liang (counsel for Google) to Enrique Iturralde (counsel for AGIS) in *AGIS v. Google* where Google proposed a supplemental claim construction schedule that set a deadline of January 30, 2024 as the deadline to complete to briefing.

7. Attached here to as **Exhibit 5** is a true and correct copy of an email exchange with a November 17, 2023 email from Enrique Iturralde (counsel for AGIS) to Mark Liang (counsel for Google) in *AGIS v. Google*, with an attachment where AGIS proposed a supplemental claim construction schedule that set a deadline of April 4, 2024 as the deadline to complete briefing.

8. Attached hereto as **Exhibit 6** is a true and correct copy of AGIS's December 1,

2023 Disclosure of Asserted Claims and Infringement Contentions in this case, with cited sections highlighted.

9. Attached hereto as **Exhibit 7** is a true and correct copy of AGIS's June 23, 2023 Amended Disclosure of Asserted Claims and Infringement Contentions in this case, with cited sections highlighted.

10. Attached hereto as **Exhibit 8** is a true and correct copy of AGIS's July 21, 2023 Second Amended Disclosure of Asserted Claims and Infringement Contentions in this case, with cited sections highlighted.

11. Attached hereto as **Exhibit 9** is a true and correct copy of AGIS's December 2, 2023 Third Amended Disclosure of Asserted Claims and Infringement Contentions in this case, with cited sections highlighted.

12. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from Exhibit B (for U.S. Patent No. 9,749,829) to AGIS's December 2, 2023 Third Amended Disclosure of Asserted Claims and Infringement Contentions in this case.

13. Attached here to as **Exhibit 11** is a true and correct copy of a December 2, 2023 email from Enrique Iturralde (counsel for AGIS) to Mark Liang (counsel for Samsung) in this case, where AGIS notified Samsung for the first time of AGIS's position that the term "remote control" requires construction in this case and proposing a supplemental claim construction schedule that set a deadline of January 12, 2024 as the deadline to complete briefing.

I declare under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on January 9, 2024.

Dated: January 9, 2024

/s/ Mark Liang

Mark Liang