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

Plaintiff,

JURY TRIAL DEMANDED

v.

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

Defendants.

DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S RESPONSE IN OPPOSITION TO DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.'S PARTIAL MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT UNDER RULE 12(b)(6) (DKT. 39)

I, Alfred R. Fabricant, hereby declare as follows:

- I have personal knowledge of the facts set forth in this declaration. I am competent 1. to testify as to all matters stated, and I am not under any legal disability that would in any way preclude me from testifying.
- I am a Partner at the law firm of Fabricant LLP and counsel of record for Plaintiff 2. 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 1 is a true and correct copy of Google LLC, Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Waze Mobile Limited Petition for a Writ of Mandamus, Dkt. No. 2-1, dated February 22, 2022 in In re Google LLC, et al., Case No. 22-126.



- 5. Attached hereto as Exhibit 2 is a true and correct copy of Google LLC, Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Waze Mobile Limited Petition for a Writ of Mandamus, Dkt. No. 2-1, dated April 1, 2022 in *In re Google LLC, et al.*, Case No. 22-140.
- 6. Attached hereto as Exhibit 3 is a true and correct copy of an Order, Dkt. No. 7, dated May 23, 2022 in *In re Waze Mobile Limited*, Case No. 22-140.
- 7. Attached hereto as Exhibit 4 is a true and correct copy of a screenshot of TAK Our Process, taken from https://tak.gov/pages/our-process on January 10, 2023.
- 8. Attached hereto as Exhibit 5 is a true and correct copy of an article from Insights by Dale Stockton entitled "Bernalillo County uses ATAK to improve search and rescue," published November 10, 2020 taken from https://insights.samsung.com/2020/11/10/bernalillocounty-uses-atak-to-improve-search-and-rescue/ on January 10, 2023.
- 9. Attached hereto as Exhibit 6 is a true and correct copy of an article from Insights by Taylor Mallory Holland entitled "ATAK enhances collaboration and awareness for public safety," published September 1, 2021 taken from https://insights.samsung.com/2021/09/01/atakenhances-collaboration-and-awareness-for-public-safety-2/ on January 10, 2023.
- 10. Attached hereto as Exhibit 7 is a true and correct copy of an article from Insights by Taylor Mallory Holland entitled "Corona Fire Department Improves Situational Awareness with ATAK," published December 2, 2019 taken from https://insights.samsung.com/2019/12/02/corona-fire-department-improves-situational-awareness-with-atak/ on January 10, 2023.
- 11. Attached hereto as Exhibit 8 is a true and correct copy of a screenshot from Samsung Military Smartphone: Galaxy S20 Tactical Edition | Samsung Business | US, taken from



https://www.samsung.com/us/business/solutions/industries/government/tactical-

edition/#SOFTWARE_EXTENSTION on January 4, 2023.

12. Attached hereto as Exhibit 9 is a true and correct copy of a screenshot entitled

"Engaged PAR Technology works from development to delivery to give you mission success"

News & Events (/news-events#navy award).

13. Attached hereto as Exhibit 10 is a true and correct copy of screenshot from What

we do | Viasat, taken from https://www.viasat.com/about/what-we-do/, on January 4, 2023.

14. Attached hereto as Exhibit 11 is a true and correct copy of a screenshot from About

iGov, taken from https://www.igov.com/about-igov.html#message, on January 4, 2023.

15. Attached hereto as Exhibit 12 is a true and correct copy of a screenshot from

Samsung Mission-Ready mobility. Proven by Operators., Galax S20 Tactical Edition.

16. Attached hereto as Exhibit 13 is a true and correct copy of Plaintiff's First Set of

Interrogatories to Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America,

Inc. (Nos. 1-14), dated December 22, 2022.

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

Executed on January 10, 2023 in Rye, New York.

/s/ Alfred R. Fabricant
Alfred R. Fabricant

Affied K. Fabricant

