

Exhibit A

THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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|---------------------------------|---|---------------------|
| AGIS SOFTWARE DEVELOPMENT, LLC | * | 2:22-CV-263-JRG-RSP |
| | * | Marshall, Texas |
| VS. | * | |
| | * | 9:00 - 10:45 a.m. |
| SAMSUNG ELECTRONICS, LTD, ET AL | * | March 30, 2023 |

* * * * *

MOTION HEARING

BEFORE JUDGE ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE

* * * * *

Proceedings recorded by computer stenography
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1 **APPEARANCES:**

2 For the Plaintiff:

3 MR. VINCENT J. RUBINO, III
4 MR. ENRIQUE W. ITURRALDE
5 **Fabricant, LLP**
6 230 Park Avenue, 3rd Floor W.
7 New York, NY 10169

8 MS. JENNIFER L. TRUELOVE
9 **McKool Smith, PC**
10 104 E. Houston Street
11 Suite 300
12 Marshall, TX 75670

13 For CenturyLink:

14 MR. NIEL P. SIROTA
15 **Baker Botts, LLP**
16 30 Rockefeller Plaza, 44th Floor
17 New York, NY 10112

18 MS. MELISSA R. SMITH
19 **Gillam & Smith, LLP**
20 303 South Washington Avenue
21 Tyler, TX 75701

22 Courtroom Deputy:

23 BECKY ANDREWS

24 Court Reporter:

25 EDWARD L. REED

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P R O C E E D I N G S

9:00 A.M. - MARCH 30, 2023

THE COURT: For the record, we're here for the Motion Hearing in AGIS Software Development vs. Samsung Electronics. It's Case No. 2:22-263 on our docket.

Would counsel state their appearances for the record.

MS. TRUELOVE: Good morning, Your Honor. Jennifer Truelove with McKool Smith here for the Plaintiff, AGIS. With me today I have Mr. Vincent Rubino and Mr. Enrique Iturralde, and we are ready to proceed.

THE COURT: All right. Thank you, Ms. Truelove.

MS. SMITH: Good morning, Your Honor. Melissa Smith on behalf of Samsung, and I'm joined by Mr. Neil Sirota this morning, and we are also ready to proceed.

THE COURT: All right. Thank you, Ms. Smith. We are here on Samsung's motion, so I'll turn it over first to Mr. Sirota.

MR. SIROTA: Thank you, Your Honor. We have two motions pending. There are a Motion to Stay and a Motion to Dismiss. Does Your Honor have a preference as to which one is heard first?

THE COURT: Yes, I think the Motion to Dismiss

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1 is where we should start.

2 MR. SIROTA: Thank you, Your Honor.

3 I also have some presentations, some
4 slides to present, and I also have hard copies if I may
5 approach.

6 THE COURT: That would be great. Thank you.

7 **[Pause]**

8 MR. SIROTA: Thank you, Your Honor.

9 So Samsung has a Motion to Dismiss and it
10 involves two distinct issues. First, there is a
11 request to dismiss AGIS's infringement allegation
12 against the Team Awareness Kit (or TAK) suite of apps
13 pursuant to 28 U.S.C. 1498(a). And second, there is a
14 request to dismiss AGIS's allegations of infringement
15 as to two of the asserted patents, the '829 and '123
16 patents, due to improper claim splitting.

17 So I'll address the TAK issue first, Your
18 Honor. And on slide 3 we see an excerpt from AGIS's
19 Amended Complaint where AGIS is asserting infringement
20 by three apps here: the TAK, ATAK, and CivTAK
21 applications. Those are accused products. And as we'll
22 see, those apps are made by and owned by the United
23 States Government, not Samsung. Samsung has nothing to
24 do with those apps.

25 And that in turn implicates 28 U.S.C.

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