

**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.

CIVIL ACTION NO. 2:22-cv-263-JRG
(LEAD CASE)

JURY TRIAL DEMANDED

**DECLARATION OF MARK LIANG IN SUPPORT OF SAMSUNG
ELECTRONICS CO. LTD. AND SAMSUNG ELECTRONICS AMERICA,
INC.'S RESPONSE TO PLAINTIFF AGIS SOFTWARE DEVELOPMENT
LLC'S OPPOSED MOTION FOR LEAVE TO AMEND ITS DISCLOSURE OF
ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

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 Electronics") in the above captioned matter.

2. I submit this declaration in support of Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.'s Response to Plaintiff AGIS Software Development LLC's Opposed Motion for Leave to Amend Its Disclosure of Asserted Claims and Infringement Contentions, 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 a List of AGIS District Court and ITC Cases Downloaded from Docket Navigator on July 3, 2023.

4. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from AGIS's 2017 complaint against ZTE filed in the Eastern District of Texas (Case No. 2:17-CV-00517-JRG), with cited sections highlighted.

5. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from AGIS's 2017 complaint against Apple filed in the Eastern District of Texas (Case No. 2:17-CV-00516-JRG), with cited sections highlighted.

6. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from AGIS's 2017 complaint against LG filed in the Eastern District of Texas (Case No. 2:17-CV-00515-JRG), with cited sections highlighted.

7. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from AGIS's 2017 complaint against HTC filed in the Eastern District of Texas (Case No. 2:17-CV-00514-JRG), with cited sections highlighted.

8. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from AGIS's 2017 complaint against Huawei filed in the Eastern District of Texas (Case No. 2:17-CV-00514-JRG), with cited sections highlighted.

9. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from AGIS's

2019 complaint against Google filed in the Eastern District of Texas (Case No. 2:19-CV-00361-JRG), with cited sections highlighted.

10. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from AGIS's 2019 complaint against Samsung filed in the Eastern District of Texas (Case No. 2:19-CV-00362-JRG), with cited sections highlighted.

11. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from AGIS's 2019 complaint against Waze filed in the Eastern District of Texas (Case No. 2:19-CV-00359-JRG), with cited sections highlighted.

12. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from AGIS's November 2022 ITC complaint against Google, Samsung, OnePlus, TCL, Lenovo, Motorola, HMD, Sony, ASUS, Caterpillar, BLU, Panasonic, Kyocera, and Xiaomi (Inv. No. 337-TA-1347), with cited sections highlighted.

13. Attached hereto as **Exhibit 11** is a true and correct copy of Order No. 26 in ITC Inv. No. 337-TA-1347, issued on June 20, 2023, providing an initial determination granting AGIS's motion to withdraw its November 2022 ITC complaint against Google, Samsung, TCL, Lenovo, Motorola, HMD, Sony, ASUS, BLU, and Panasonic, with cited sections highlighted.

14. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from AGIS's 2023 complaint against Google filed in the Western District of Texas (Case No. 6:23-CV-00160-DC-DTG), with cited sections highlighted.

15. Attached hereto as **Exhibit 13** is a true and correct copy of Google's unopposed motion to stay AGIS's Western District of Texas action against Google (Case No. 6:23-CV-00160-DC-DTG), with cited sections highlighted.

16. Attached hereto as **Exhibit 14** is a true and correct copy of an email chain between Samsung's counsel and AGIS's counsel where AGIS notified Samsung of its intention to file a motion for leave to amend its infringement contentions to add allegations relating to FMD, with cited sections highlighted.

17. Attached hereto as **Exhibit 15** is a true and correct copy of an email chain

between Samsung’s counsel and AGIS’s counsel where AGIS notified Samsung of its issue with the agreed-to construction of “group” and its intention to seek leave to construe the “participants” term in that agreed to construction, with cited sections highlighted.

18. Attached hereto as **Exhibit 16** is a true and correct copy of AGIS’s supplemental claim construction briefing regarding the term “group” of U.S. Patent No. 9,467,838 filed in ITC Inv. No. 337-TA-1347, with cited sections highlighted.

19. Attached hereto as **Exhibit 17** is a true and correct copy of AGIS’s March 23, 2020 infringement contention claim chart for U.S. Patent No. 8,213,970 in Eastern District of Texas case number 2:19-CV-00361-JRG.

20. Attached hereto as **Exhibit 18** is a true and correct copy of AGIS’s March 23, 2020 infringement contention claim chart for U.S. Patent No. 9,467,838 in Eastern District of Texas Case Number 2:19-CV-00361-JRG.

I declare under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on July 13, 2023.

Dated: July 13, 2023

/s/ Mark Liang
Mark Liang