

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-RSP
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	
v.	§	
	§	
SAMSUNG ELECTRONICS CO., LTD. and SAMSUNG ELECTRONICS, AMERICA, INC.,	§	
	§	
Defendants.	§	
	§	

**DECLARATION OF VINCENT J. RUBINO, III IN SUPPORT
OF PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S
OPENING CLAIM CONSTRUCTION BRIEF**

I, Vincent J. Rubino, III, hereby declare as follows:

1. I have personal knowledge of the facts set forth in this declaration. I am competent to testify as to all matters stated, and I am not under any legal disability that would in any way preclude me from testifying.
2. I am a Partner at the law firm of Fabricant LLP and counsel of record for Plaintiff 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 A is a true and correct copy of U.S. Patent No. 8,213,970, issued by the USPTO on July 3, 2012 to Malcolm K. Beyer.

5. Attached hereto as Exhibit B is a true and correct copy of U.S. Patent No. 9,467,838, issued by the USPTO on October 11, 2016 to Malcolm K. Beyer, Jr. and Christopher R. Rice.

6. Attached hereto as Exhibit C is a true and correct copy of U.S. Patent No. 9,749,829, issued by the USPTO on August 29, 2017 to Malcolm K. Beyer, Jr. and Christopher R. Rice.

7. Attached hereto as Exhibit D is a true and correct copy of U.S. Patent No. 9,820,123, issued by the USPTO on November 14, 2017 to Malcolm K. Beyer, Jr. and Christopher R. Rice.

8. Attached hereto as Exhibit E is a true and correct copy of the Declaration of Michael C. Brogioli, Ph.D. Regarding Claim Construction in *AGIS Software Development, LLC v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.*, Case No. 2:22-cv-00263-JRG-RSP, dated June 16, 2023.

9. Attached hereto as Exhibit F is a true and correct copy of the Claim Construction Memorandum Order issued in *AGIS Software Development, LLC v. Huawei Device USA Inc., et al.*, Case No. 2:17-cv-00513-JRG (E.D. Tex. Oct. 10, 2018), Dkt. 205.

10. Attached hereto as Exhibit G is a true and correct copy of the Claim Construction Memorandum Order issued in *AGIS Software Development, LLC v. Google LLC, et al.*, Case No. 2:19-cv-00361-JRG (Lead Case) (E.D. Tex. Dec. 8, 2020), Dkt. 147.

11. Attached hereto as Exhibit H is a true and correct copy of the Claim Construction Memorandum Order issued in *AGIS Software Development, LLC v. T-Mobile USA, Inc., et al.*, Case No. 2:21-cv-00072-JRG (Lead Case) (E.D. Tex. Nov. 10, 2021), Dkt. 213.

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

Executed on July 21, 2023 in Livingston, New Jersey.

/s/ Vincent J. Rubino, III

Vincent J. Rubino, III