

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,	§	<b><u>JURY TRIAL DEMANDED</u></b>
	§	
v.	§	
	§	
SAMSUNG ELECTRONICS CO., LTD.,	§	
ET AL.,	§	
Defendants.	§	
	§	

**DECLARATION OF ALFRED R. FABRICANT IN SUPPORT OF  
PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC’S MOTION TO DISMISS  
DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG  
ELECTRONICS AMERICA, INC.’S NINTH COUNTERCLAIM AND TO STRIKE  
DEFENDANTS’ SIXTH AND SIXTEENTH AFFIRMATIVE DEFENSES**

I, Alfred R. Fabricant, 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 1 is a true and correct copy of excerpts from the Amendment and Reply Under 37 C.F.R. 1.111 to a Non-Final Office Action, dated June 3, 2021, Regarding Re-exam of U.S. Patent No. 8,213,970.

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

Executed on July 21, 2023 in Dallas, Texas.

*/s/ Alfred R. Fabricant*  
Alfred R. Fabricant