

**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 P.R. 4-3 DISCLOSURES**

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 P.R. 4-3 Disclosures, 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 AGIS's December 1, 2023 Disclosure of Asserted Claims and Infringement Contentions in this case, *AGIS Software Development LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.*, No. 2:22-CV-00263-JRG-RSP, with cited sections highlighted.

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

5. Attached hereto as **Exhibit 3** is a true and correct copy of the June 16, 2023 Declaration of Tim A. Williams, Ph.D. Regarding Claim Construction for this case, *AGIS Software Development LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.*, No. 2:22-CV-00263-JRG-RSP.

6. Attached hereto as **Exhibit 4** 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.

7. Attached hereto as **Exhibit 5** 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.

8. Attached hereto as **Exhibit 6** 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.

9. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from AGIS's Exhibit D1 to its June 23, 2023 Proposed Amended Disclosure of Asserted Claims and Infringement Contentions in this case, *AGIS Software Development LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.*, No. 2:22-CV-00263-JRG-RSP, with cited sections highlighted.

10. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from AGIS's Exhibit A to its June 23, 2023 Proposed Amended Disclosure of Asserted Claims and Infringement Contentions in this case, *AGIS Software Development LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.*, No. 2:22-CV-00263-JRG-RSP, with cited sections highlighted.

11. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from AGIS's Exhibit B to its June 23, 2023 Proposed Amended Disclosure of Asserted Claims and Infringement Contentions in this case, *AGIS Software Development LLC v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.*, No. 2:22-CV-00263-JRG-RSP, with cited sections highlighted.

12. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from AGIS's Opening Claim Construction Brief in *AGIS Software Development LLC v. Huawei Device USA Inc.*, No. 2:17-CV-00513-JRG-RSP, Dkt. 165, with cited sections highlighted.

I declare under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on July 25, 2023.

Dated: July 25, 2023

/s/ Mark Liang

Mark Liang