

# EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**DECLARATION OF MICHAEL C. BROGIOLI, PH.D.  
REGARDING CLAIM CONSTRUCTION**

**AGIS SOFTWARE DEVELOPMENT LLC**

**vs.**

**SAMSUNG ELECTRONICS CO, LTD. & SAMSUNG ELECTRONICS  
AMERICA, INC.**

**Case No. 2:22-cv-00263-JRG-RSP**

June 16, 2023

**TABLE OF CONTENTS**

	<b>Page</b>
I. INTRODUCTION.....	1
II. EDUCATIONAL AND PROFESSIONAL BACKGROUND.....	2
III. LEGAL STANDARDS .....	5
IV. LEVEL OF ORDINARY SKILL IN THE ART .....	9
V. OVERVIEW OF THE PATENTS-IN-SUIT .....	10
A. '970 Patent.....	10
B. '838 Patent.....	10
C. '829 Patent.....	11
D. '123 Patent.....	11
VI. CONSTRUCTIONS FOR CERTAIN DISPUTED CLAIM TERMS .....	11
A. “status data”.....	11
B. “means for presenting a recipient symbol on the geographical map corresponding to a correct geographical location of the recipient PDA/cell phone”.....	14
C. “means for obtaining location and status data associated with the recipient PDA/cell phone” .....	16
D. means for displaying a geographical map with georeferenced entities on the display of the sender PDA/cell phone” .....	17
VII. CONCLUSION.....	20

**APPENDIX LIST**

<b>Appendix</b>	<b>Description</b>
A	List of Materials Considered
B	CV of Michael C. Brogioli, Ph.D.

## I. INTRODUCTION

1. My name is Michael C. Brogioli, Ph.D. I have been retained on behalf of the Plaintiff AGIS Software Development LLC (“AGIS” or “Plaintiff”) to provide my opinions as to the proper meaning of certain terms of U.S. Patent Nos. 8,213,970 (the “970 Patent”); 9,467,838 (the “838 Patent”); 9,749,829 (the “829 Patent”) and 9,820,123 (the “123 Patent”) (collectively, the “Patents-in-Suit”). I have endeavored to conduct my analysis and present various opinions from the point of view of a person having ordinary skill in the art of the Patents-in-Suit at the time of invention.

2. In reaching my opinions and conclusions, I have relied upon my education, experience and training, my review of the patents, the respective patent prosecution history, and other relevant materials. A list of materials I have reviewed and relied upon is provided at the end of this report as **Appendix A**.

3. I am being compensated for my work in this litigation matter at my current standard rate of compensation. I am also being reimbursed for any expenses I incur on this matter. My compensation does not depend upon the outcome of this litigation, the opinions I express, or my testimony.

4. I understand that discovery in this case is ongoing. I reserve my right to supplement this report if further information becomes available or if I am asked to consider additional information, such as new constructions proposed by the parties. Furthermore, I reserve my right to consider and comment on any additional expert statements and testimony of Defendants’ experts in this matter. I also may rely on demonstrative exhibits at hearings to explain my testimony and opinions.

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