1 2 3 4 5 6 7	Sarah G. Hartman (Cal. Bar No. 281751) shartman@brownrudnick.com Peter Lambrianakos (pro hac vice) plambrianakos@brownrudnick.com Vincent J. Rubino, III (pro hac vice) vrubino@brownrudnick.com Brown Rudnick LLP 7 Times Square New York, NY 10036 Telephone: (212) 209-4800 Facsimile: (212) 209-4801					
8 9 10 11	Arjun Sivakumar (Cal. Bar No. 297787) asivakumar@brownrudnick.com Brown Rudnick LLP 2211 Michelson Drive, Seventh Floor Irvine, California 92612 Telephone: (949) 752-7100 Facsimile:(949) 252-1514					
13 14	Attorneys for Defendant AGIS Software Development LLC.					
15 16	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION					
17		Case No. 18-cv-06	185-HSG			
18 19 20	ZTE (USA) INC., Plaintiff,	MOTION FOR SA MEMORANDUM	NOTICE OF MOTION AND ANCTIONS; I OF POINTS AND N SUPPORT THEREOF			
21	V.,					
22	AGIS SOFTWARE DEVELOPMENT LLC, et al,	[Declaration of Malcolm K. Beyer, Jr.; and Declaration of Vincent J. Rubino, III, and exhibit filed concurrently herewith; Proposed Order]				
<ul><li>23</li><li>24</li><li>25</li></ul>	Defendant.	Hearing Date: Time: Trial Date:	May 9, 2019 2:00 p.m. None set			
26		-				
27						
28						



NOTICE OF MOTION AND MOTION FOR SANCTIONS

PLEASE TAKE NOTICE that on May 9, 2019, at 2:00 p.m., or as soon thereafter as the matter may be heard before the Honorable Judge Haywood S. Gilliam, Jr. in the United States District Court for the Northern District of California, in the Ronald V. Dellums Federal Building and United States Courthouse, Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, California 94612, Defendant AGIS Software Development LLC ("AGIS Software") will and hereby does move the Court for an order awarding sanctions against the attorneys of Plaintiff ZTE (USA) Inc. ("ZTE" or "Plaintiff") for asserting unwarranted and frivolous claims in violation of Rule 11(b)(2) of the Federal Rules of Civil Procedure ("FRCP"). This Motion is brought pursuant to FRCP Rule 11(c)(2), and requests fees and costs necessary to prepare and file this Motion, the Motion to Dismiss filed in this action, and for all other expenses resulting from Plaintiff's violations.

The Motion will be and is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, Defendants' Motion to Dismiss and Memorandum of Points and Authorities in Support of the Motion to Dismiss, the pleadings and papers filed

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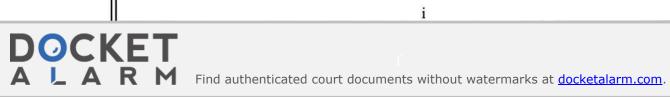
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1	herein, as well as upon such other and further matters, papers, and arguments as may be			
2	submitted to the Court.			
3				
4	Dated: February 20, 2019 Respectfully Submitted,			
5	BROWN RUDNICK LLP			
6	By: /s/ Peter Lambrianakos			
7	Peter Lambrianakos			
8	NY Bar No. 2894392			
°	Email: plambrianakos@brownrudnick.com			
9	Vincent J. Rubino, III			
,,	NY Bar No. 4557435 Email: vrubino@brownrudnick.com			
10	Sarah G. Hartman			
11	CA Bar No. 281751			
	Email: shartman@brownrudnick.com			
12	BROWN RUDNICK LLP			
13	7 Times Square			
.	New York, NY 10036			
14	Telephone: 212-209-4800			
15	Facsimile: 212-209-4801			
16	Arjun Sivakumar			
10	CA Bar No. 297787			
17	BROWN RUDNICK LLP			
.	2211 Michelson Drive, Seventh Floor			
18	Irvine, CA 92612			
19	Attorneys for Defendant			
20	AGIS Software Development LLC			
21	CTATEMENT OF ISSUES TO DE DECIDED			
22	STATEMENT OF ISSUES TO BE DECIDED			
23	1. Did ZTE (USA), Inc.'s ("ZTE") counsel violate Rule 11(b) of the Federal Rules of Civil			
24	Procedure ("FRCP") by filing a complaint that it should have known, after a reasonable			
25	inquiry, lacks a basis for the exercise of personal jurisdiction over Defendant AGIS			
	Software Development, LLC?			
26	2. Should ZTE's counsel be subject to sanctions under FRCP Rule 11(c) for violating			
27	FRCP Rule 11/h)?			



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