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 18 *AGIS Software Development LLC*

19 **UNITED STATES DISTRICT COURT**  
 20 **NORTHERN DISTRICT OF CALIFORNIA**  
 21 **SAN JOSE DIVISION**

22 WHATSAPP LLC,

23 *Plaintiff,*

24 v.

25 AGIS SOFTWARE DEVELOPMENT LLC,

26 Defendant.

Case No. 5:21-cv-03076-BLF

**Hon. Judge Beth Labson Freeman**

**DECLARATION OF VINCENT J.  
 RUBINO, III IN SUPPORT OF MOTION  
 TO DISMISS COMPLAINT FOR  
 DECLARATORY JUDGMENT**

Date: September 30, 2021

Time: 9:00 a.m.

Location: Courtroom 3

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**DECLARATION OF VINCENT J. RUBINO, III**

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

1. I am a partner at the law firm of Fabricant LLP. I submit this declaration in support of Defendant AGIS Software Development LLC’s (“AGIS Software” or “Defendant”) Motion to Dismiss the Complaint for Declaratory Judgment filed by WhatsApp LLC (“WhatsApp” or “Plaintiff”). I am familiar with the facts set forth herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Declaration of Malcolm K. Beyer, Jr. submitted in opposition to Defendant WhatsApp, Inc.’s Motion to Dismiss for Improper Venue in the Eastern District of Texas. *See AGIS Software Dev. LLC v. T-Mobile USA, Inc. et al.*, No. 2:21-cv-00072-JRG, Dkt. 82-2 (E.D. Tex. June 8, 2021).

I declare under the penalty of perjury that the foregoing is true and correct. Executed on August 23, 2021 at Livingston, New Jersey.

/s/ Vincent J. Rubino, III

Vincent J. Rubino, III

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