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14 Attorneys for Defendant
 15 *AGIS Software Development LLC*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

20 WHATSAPP, LLC
 21 *Plaintiff,*
 22 v.
 23 AGIS SOFTWARE DEVELOPMENT LLC,
 24 and DOES 1 to 10,
 25 *Defendants.*

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

**[PROPOSED] ORDER GRANTING
 DEFENDANT AGIS SOFTWARE
 DEVELOPMENT, LLC'S MOTION TO
 DISMISS COMPLAINT FOR
 DECLARATORY JUDGMENT**

Date: September 30, 2021
 Time: 9:00 a.m.
 Location: Courtroom 3

1 The matter comes before the Court on Defendant AGIS Software Development, LLC's
2 Motion to Dismiss Complaint for Declaratory Judgment. Finding good cause having been shown,
3 IT IS HEREBY ORDERED that Defendant's Motion is GRANTED and Smith Micro's Complaint
4 is hereby DISMISSED without leave to amend for lack of personal jurisdiction.

5 [Alternatively: IT IS HEREBY ORDERED that Defendant's Motion is GRANTED in part,
6 and this action is transferred to the Eastern District of Texas under the first-to-file rule.]

7 [Alternatively: IT IS HEREBY ORDERED that Defendant's Motion is GRANTED in part,
8 and this action is hereby stayed pending a decision on a motion to dismiss filed in the Eastern District
9 of Texas by Smith Micro's subsidiaries, T-Mobile USA, Inc. and T-Mobile US, Inc.'s, in *AGIS*
10 *Software Dev. LLC v. T-Mobile USA, Inc. and T-Mobile US, Inc.*, Case No. 2:21-cv-00072-JRG.]

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Dated: _____
Hon. James Donato
United States District Judge