

RUSS AUGUST & KABAT

1 Alfred R. Fabricant (*pro hac vice*)
 2 afabricant@fabricantllp.com
 3 Peter Lambrianakos (*pro hac vice*)
 4 plambrianakos@fabricantllp.com
 5 Vincent J. Rubino, III (*pro hac vice*)
 6 vrubino@fabricantllp.com
 7 Enrique Iturralde (*pro hac vice*)
 8 eiturralde@fabricantllp.com
FABRICANT LLP
 411 Theodore Fremd Road, Suite 206 South
 Rye, New York 10580
 Telephone: (212) 257-5797
 Facsimile: (212) 257-5796

9 Benjamin T. Wang (CA SBN 228712)
 bwang@raklaw.com
 10 Minna Y. Chan (CA SBN 305941)
 mchan@raklaw.com
 11 **RUSS AUGUST & KABAT**
 12 12424 Wilshire Boulevard, 12th Floor
 Los Angeles, California 90025
 Telephone: (310) 826-7474
 Facsimile: (310) 826-9226

13 Attorneys for Defendant
 14 *AGIS Software Development LLC*

15
 16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN JOSE DIVISION**

19 WHATSAPP LLC,
 20 *Plaintiffs,*
 21 v.
 22 AGIS SOFTWARE DEVELOPMENT LLC,
 23 Defendant.

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

Hon. Judge Beth Labson Freeman

**AMENDED NOTICE OF HEARING
 DATE REGARDING MOTION TO
 DISMISS COMPLAINT**

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

Amended Hearing Date
 Date: January 27, 2022
 Time: 9:00 a.m.
 Location: Courtroom 3

1 **AMENDED NOTICE OF HEARING DATE REGARDING MOTION AND MOTION TO**
2 **DISMISS**

3 **PLEASE TAKE NOTICE** that on January 27, 2022 at 9:00 a.m., or as soon thereafter as
4 the matter may be heard before The Honorable Beth Labson Freeman in the United States District
5 Court for the Northern District of California in the Robert F. Peckham Federal Building & United
6 States Courthouse, Courtroom 3, 5th Floor, 280 South 1st Street, San Jose, California 95113,
7 Defendant AGIS Software Development LLC (“AGIS Software” or “Defendant”) will and hereby
8 does move the Court, for: (1) an order dismissing the Complaint for Declaratory Judgment filed by
9 Plaintiff WhatsApp LLC (“WhatsApp” or “Plaintiff”) pursuant to Rule 12(b)(2) of the Federal Rules
10 of Civil Procedure; (2) an order dismissing the Complaint for Declaratory Judgment in favor of the
11 first-filed action; or (3) in the alternative, an order staying this action pending a decision on
12 WhatsApp’s motion to dismiss, or in the alternative, to transfer, which is currently pending in the
13 Eastern District of Texas. *See* Dkt. 37. The previously noticed hearing date was September 30, 2021
14 at 9:00 a.m., but is now corrected to January 27, 2022 at 9:00 a.m.

15
16 DATED: August 25, 2021

Respectfully submitted,

17 **RUSS AUGUST & KABAT**

18 By: /s/ Benjamin T. Wang
Benjamin T. Wang

19 **FABRICANT LLP**

20 Alfred R. Fabricant
ffabricant@fabricantllp.com
21 Peter Lambrianakos
plambrianakos@fabricantllp.com
22 Vincent J. Rubino, III
vrubino@fabricantllp.com
23 411 Theodore Fremd Road, Suite 206 South
Rye, New York 10580
24 Telephone: (212) 257-5797
25 Facsimile: (212) 257-5796

26 *Attorneys for Defendant*
AGIS Software Development LLC

RUSS AUGUST & KABAT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court for the Northern District of California using the CM/ECF System on August 25, 2021.

I certify that all counsel of record who are deemed to have consented to electronic service are being served on August 25, 2021 with a copy of this document via the Court’s CM/ECF systems per Local Rule CV-5(a)(3). Any other counsel will be served by electronic mail, facsimile, overnight delivery and/or First Class Mail on this date.

DATED: August 25, 2021

/s/ Benjamin T. Wang

Benjamin T. Wang

RUSS AUGUST & KABAT