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11 Attorneys for Plaintiffs
12 SMITH MICRO SOFTWARE, and SMITH
13 MICRO SOFTWARE, LLC

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16
17 SMITH MICRO SOFTWARE, INC.
18 and SMITH MICRO SOFTWARE,
LLC,

19 Plaintiffs,

20 v.

21 AGIS SOFTWARE
22 DEVELOPMENT LLC, and DOES
1 to 10,

23 Defendants.

Case No. 3:21-cv-03677-JD

**STIPULATION RE RELATED
CASES**

Judge: Honorable James Donato

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1 Plaintiffs Smith Micro Software, Inc., and Smith Micro Software, LLC, and
2 5:21-cv-03076defendant AGIS Software Development LLC, by counsel, hereby
3 jointly stipulate and agree:

4 1. AGIS Software Development LLC is defendant in pending cases
5 *WhatsApp LLC v. AGIS Software Development LLC*, Case No. 5:21-cv-03076-BLF
6 (“WhatsApp action”) and *Smith Micro Software, Inc., Smith Micro Software, LLC*
7 *v. AGIS Software Development LLC*, Case No. Case No. 5:21-cv-3677-JD (“Smith
8 Micro action”), and *Lyft, Inc. v. AGIS Software Development LLC*, Case No. 4:21-
9 cv-04653-BLF (“Lyft action”).

10 2. Both the WhatsApp action and the Smith Micro action involve the
11 exact same patents, and the same issues as to claim construction and validity of the
12 patents. Two out of five¹ of the patents at issue in the Lyft action are also at issue in
13 the WhatsApp and Smith Micro actions, and will involve the same issues as to
14 claim construction and validity of these patents. Certain venue and jurisdictional
15 issues are also the same or closely related.

16 3. The three Lyft, WhatsApp, and Smith Micro actions concern
17 substantially the same parties in that AGIS Software is a defendant in each,
18 substantially the same property (*i.e.*, the patents at issue in each action), and it
19 appears likely that there will be unduly burdensome duplication of labor and
20 expense or conflicting results if the cases are conducted before different judges.

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26 ¹ U.S. Patent Nos. 7,031,728 (“728 patent”) and 7,630,724 (“724 patent”), are at issue in all three
27 Lyft, WhatsApp, and Smith Micro actions. U.S. Patent Nos. 8,213,970 (“970 patent”), 10,299,100
28 (“100 patent”), and 10,341,838 (“1,838 patent”) are asserted solely in the Lyft action. The
WhatsApp and Smith Micro actions also involve U.S. Patent Nos. 9,408,055 (“055 patent”),
9,445,251 (“251 patent”), 9,467,838 (“7,838 patent”), and 9,749,829 (“829 patent”).

1 **THEREFORE**, the parties jointly request an Order that the three actions are
2 “related”, and that the *Smith Micro* action be transferred to the Honorable Judge
3 Beth Labson Freeman, who presides over the earlier filed WhatsApp action and the
4 Lyft action.

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6 Dated: August 19, 2021

Respectfully Submitted,

BURKE, WILLIAMS & SORENSEN, LLP

7 by: /Robert W. Dickerson, Jr.?

Robert W. Dickerson, Jr.

8 Attorneys for Plaintiffs

9 SMITH MICRO SOFTWARE, INC. and
SMITH MICRO SOFTWARE, LLC

10
11 Dated: August 19, 2021

RUSS AUGUST & KABAT
FABRICANT LLP

12 By: / Benjamin T. Wang/

Benjamin T. Wang

13 Attorneys for Defendant

14 AGIS SOFTWARE DEVELOPMENT
LLC

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17 **ATTESTATION**

18 I, Robert W. Dickerson, am the ECF User whose ID and password are being
19 used to file this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest
20 that all counsel of record have concurred in this filing.

21 /s/ Robert W. Dickerson

22 Robert W. Dickerson

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