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 AGIS Software Development LLC

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

17 WHATSAPP LLC,  
 18 *Plaintiff,*  
 19 v.  
 20 AGIS SOFTWARE DEVELOPMENT LLC,  
 21 *Defendant.*

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

**Hon. Judge Beth Labson Freeman**

**DECLARATION OF VINCENT RUBINO  
 IN SUPPORT OF DEFENDANT AGIS  
 SOFTWARE DEVELOPMENT LLC'S  
 UNOPPOSED ADMINISTRATIVE  
 MOTION FOR LEAVE TO ATTEND THE  
 SEPTEMBER 2, 2021 CASE  
 MANAGEMENT CONFERENCE VIA  
 ZOOM OR TELEPHONE (L.R. 7-11)**

**Case Management Conference**  
 Date: September 2, 2021  
 Time: 11:00 a.m.  
 Location: Courtroom 3

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

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3 1. I am a partner at the law firm of Fabricant LLP. I submit this declaration in support  
4 of Defendant AGIS Software Development LLC's ("AGIS" or "Defendant") Unopposed  
5 Administrative Motion for Leave to Attend the September 2, 2021 Case Management Conference  
6 via Zoom or Telephone. I am familiar with the facts set forth herein.

7 2. I am lead counsel for AGIS and reside in New Jersey. One other counsel for AGIS  
8 also resides in New Jersey. Two other counsel for AGIS reside in New York.

9 3. The ongoing COVID-19 pandemic continues to create concern over in-person contact  
10 through meetings or travel. States are reimposing limitations in light of the new wave of the "delta  
11 variant" of the COVID-19 virus, which is found to be highly contagious. I and my co-counsel would  
12 thus prefer to take precautions to limit in-person contact and to minimize travel needs.

13 4. On August 26, 2021, Plaintiff WhatsApp LLC indicated it does not oppose AGIS's  
14 request.

15 I declare under the penalty of perjury that the foregoing is true and correct. Executed on  
16 August 26, 2021 at Livingston, New Jersey.

17  
18 /s/ Vincent J. Rubino, III  
19 Vincent J. Rubino, III  
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