

Exhibit C

BAKER BOTTS LLP

2001 ROSS AVENUE
SUITE 900
DALLAS, TEXAS
75201-2980

TEL +1 214.953.6500
FAX +1 214.953.6503
BakerBotts.com

AUSTIN
BRUSSELS
DALLAS
DUBAI
HONG KONG
HOUSTON
LONDON

MOSCOW
NEW YORK
PALO ALTO
RIYADH
SAN FRANCISCO
WASHINGTON

August 6, 2021

Bethany Salpietra
TEL: 2149536765
FAX: 2146614765
bethany.salpietra@bakerbotts.com

VIA E-MAIL (VRUBINO@FABRICANTLLP.COM)

Vincent J. Rubino
Fabricant LLP
411 Theodore Fremd Ave., Ste. 206 S
Rye, New York 10580

Re: AGIS Software Development LLC v. T-Mobile USA, Inc., et al.
Case No. 2:21-cv-00072-JRG (E.D. Tex.) (Lead Case)
AGIS Software Development LLC v. Lyft, Inc.,
Case No. 2:21-cv-00024-JRG (E.D. Tex.) (Member Case)

Dear Vincent:

I write in response to your July 29, 2021 letter regarding Lyft's Objections and Responses to AGIS's First Set of Interrogatories to Defendant (Nos. 1-9) ("Lyft's Objections and Responses"). As an initial matter, Lyft disagrees with AGIS Software Development LLC's ("AGIS" or "You") characterization that Lyft's Objections and Responses are deficient in any way. As is explained in further detail below, Lyft's Objections and Responses are both appropriate and sufficient in view of the requests presented in each Interrogatory as Lyft understands them and as informed by AGIS's preliminary infringement contentions. Furthermore, despite AGIS's universal complaint that Lyft's Objections and Responses are deficient, AGIS altogether fails to articulate any specific deficiencies with respect to many of Lyft's responses.

Interrogatory No. 1

We understand AGIS's complaint regarding Lyft's response to Interrogatory No. 1 to be that Lyft only addressed Lyft products made available via Apple's app store.¹ AGIS's preliminary infringement contentions, however, only properly accuse Lyft's iOS apps of infringement. Indeed, AGIS's contentions fail to identify *any* evidence concerning allegedly infringing Android, Blackberry, or Windows Mobile apps. To the extent that AGIS is permitted to amend its contentions to include any such evidence accusing these additional products, Lyft will supplement its response accordingly. Additionally, as made clear in Your letter, Interrogatory No. 1 includes *nine* separate information requests:

¹ To the extent AGIS has additional concerns about the sufficiency of Lyft's response to Interrogatory No. 1, Lyft requests AGIS to specifically identify those concerns in writing so that Lyft may consider them.

BAKER BOTTS LLP

Vincent J. Rubino

- 2 -

August 6, 2021

- for each “Lyft Accused Product that is a Lyft application or Lyft service,” the identification of the name (including internal and external names) and platform for each;
- for each “Lyft Accused Product that is a Lyft application or Lyft service,” the identification of each version and revision;
- for each “Lyft Accused Product that is a Lyft application or Lyft service,” the identification of the first and last dates of each version and revision;
- for each “Lyft Accused Product that is a Lyft application or Lyft service,” a detailed explanation of the timeline of testing for each version and revision;
- for each “Lyft Accused Product that is a Lyft server,” the identification of the internal and external name(s) and model number(s);
- for each “Lyft Accused Product that is a Lyft server,” the identification of the physical location of each “Lyft server”;
- for each “Lyft Accused Product that is a Lyft server,” the identification of each version and revision of each Lyft application or service used with or provided by each “Lyft server”;
- for each “Lyft Accused Product that is a Lyft server,” the identification of each function or service carried out by each “Lyft server”; and
- for each “Lyft Accused Product that is a Lyft server,” the identification of each Entity and/or Lyft business unit that puts into practice each “Lyft server.”

Unless You prefer to withdraw any of the requests embedded in this interrogatory, Lyft will treat each of the above requests as a separate interrogatory.

Interrogatory Nos. 2

Your letter fails to identify any specific deficiency with Lyft’s response to Interrogatory No. 2. Please identify what You perceive to be deficient about Lyft’s response in order for Lyft to consider whether any supplementation is needed.

Interrogatory No. 3

As you are likely aware, FED. R. CIV. P. 33(d) permits a responding party to answer an interrogatory by producing business records, and doing so constitutes a response.² Accordingly, Your assertion that Lyft “failed to provide any response to Interrogatory No. 3” is unquestionably false.

² “If the answer to an interrogatory may be determined by examining, auditing, compiling, abstracting, or summarizing a party’s business records (including electronically stored information), and if the burden of deriving or ascertaining the answer will be substantially the same for either party, the responding party may answer by: (1) specifying the records that must be reviewed, in sufficient detail to enable the interrogating party to locate and identify them as readily as the responding party could; and (2) giving the interrogating party a reasonable opportunity to examine and audit the records and to make copies, compilations, abstracts, or summaries.” FED. R. CIV. P. 33(d)

BAKER BOTTS LLP

Vincent J. Rubino

- 3 -

August 6, 2021

Furthermore, Your letter fails to identify any specific deficiency with Lyft's response to Interrogatory No. 3. Please identify what You perceive to be deficient about Lyft's response in order for Lyft to consider whether any supplementation is needed.

Interrogatory No. 4

Lyft is currently in the process of identifying documents that include information responsive to Interrogatory No. 4. As indicated in Lyft's response to Interrogatory No. 4, Lyft will produce such documents if any are located from a reasonable search.

Interrogatory No. 7

Your letter fails to identify any specific deficiency with Lyft's response to Interrogatory No. 7. Please identify what You perceive to be deficient about Lyft's response in order for Lyft to consider whether any supplementation is needed. Notwithstanding the foregoing, Lyft reiterates that it will—subject to its stated objections—supplement its response if and when any additional factual information is discovered.

Interrogatory No. 8

Lyft is currently in the process of confirming the existence of documents that include information responsive to Interrogatory No. 8. As indicated in Lyft's response to this interrogatory, Lyft will produce such documents if and when any are located.

Additionally, as You point out in Your July 29, 2021 letter, Interrogatory No. 8 includes *nine* separate information requests:

- for each “Lyft Accused Product,” identify, on a monthly basis from January 2015 to present, the number of instances each “Lyft Accused Product” was distributed, downloaded, and/or installed on a device;
- for each “Lyft Accused Product,” identify, on a monthly basis from January 2015 to present, the number of unique devices that downloaded and/or installed the “Lyft Accused Products”;
- for each “Lyft Accused Product,” identify, on a monthly basis from January 2015 to present, the number of instances each “Lyft Accused Product” was activated or turned on after distribution, download, and/or installation;
- for each “Lyft Accused Product,” identify, on a monthly basis from January 2015 to present, the number of unique users or accounts for each “Lyft Accused Product”;
- for each “Lyft Accused Product,” identify, on a monthly basis from January 2015 to present, the daily active users or accounts for each “Lyft Accused Product”;

BAKER BOTTS LLP

Vincent J. Rubino

- 4 -

August 6, 2021

- for each “Lyft Accused Product,” identify, on a monthly basis from January 2015 to present, the number of instances in which an end user authenticated and/or signed in to each “Lyft Accused Product” with a “Lyft account”;
- for each “Lyft Accused Product,” identify, on a monthly basis from January 2015 to present, the total number of transactions for each “Lyft Accused Product”;
- for each “Lyft Accused Product,” identify, on a monthly basis from January 2015 to present, the total amount of fees owed (in U.S. Dollars) for completed transactions on the “Lyft Accused Products”; and
- for each “Lyft Accused Product,” identify, on a monthly basis from January 2015 to present, the total amount of fees collected (in U.S. Dollars) (after reductions for discounts, incentives, and other price adjustments).

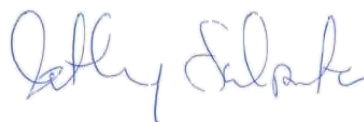
Unless You prefer to withdraw any of the requests embedded in this interrogatory, Lyft will treat each of these requests as a separate interrogatory bringing the total number of interrogatories requested by AGIS to twenty-five. Should AGIS choose to maintain each interrogatory in its current form (i.e., without withdrawing any sub-parts), it will be Lyft’s understanding that AGIS has exhausted its total number of interrogatories allowed under the Court’s discovery order. *See* Dkt. 79.

Interrogatory No. 9

Lyft is currently in the process of confirming the existence of documents that include information responsive to Interrogatory No. 9. As indicated in Lyft’s response to this interrogatory, Lyft will produce such documents if any are located from a reasonable search.

Although Lyft is willing to meet and confer when an impasse is reached on any and all of the above-identified issues, to make any such conference productive, AGIS must first articulate with specificity the basis for each of its complaints. We look forward to working with you to resolve these issues.

Respectfully,



Bethany Salpietra

CC: All counsel of record