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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

LYFT, INC.

Plaintiff,

v.

AGIS SOFTWARE DEVELOPMENT LLC,

Defendant.

Case No. 5:21-cv-04653-BLF (SVK)

**DECLARATION OF BETHANY R.
SALPIETRA IN SUPPORT OF
PLAINTIFF LYFT, INC.'S STATEMENT
REGARDING PRODUCTION OF AGIS,
INC. DOCUMENTS IN EDTX ACTION**

Judge: Hon. Beth Labson Freeman
Trial Date: October 16, 2023
Courtroom: 3, Fifth Floor

1 I, Bethany R. Salpietra, declare as follows:

2 1. I am over the age of 21 and am fully competent to make this declaration. I have
3 personal knowledge of all facts recited herein and state that such facts are true and correct to my
4 knowledge or information and belief, and, if called upon to do so, I would testify competently about
5 them.

6 2. I am duly admitted to practice law in the State of Texas and before this Court. I am
7 counsel at the law firm of Baker Botts L.L.P., 2001 Ross Avenue, Suite 900, Dallas, TX 75201, and
8 I represent Lyft, Inc. (“Lyft”) in the above-captioned action.

9 3. I have reviewed and complied with the Northern District of California’s Civil L.R.
10 (dated November 1, 2021).

11 4. I make this Declaration in support of Plaintiff Lyft, Inc.’s Statement Regarding
12 Production of AGIS, Inc. Documents in EDTX Action.

13 5. Attached as Exhibit 1 is a true and correct copy of Defendant AGIS Software
14 Development LLC’s (“AGIS Software”) correspondence with the Court, dated May 2, 2022.

15 6. Attached as Exhibit 2 is a true and correct copy of an email chain between counsel
16 for Lyft and counsel for AGIS Software, dated April 21, 2022 - May 1, 2022.

17 7. Attached as Exhibit 3 is a true and correct copy of a letter from counsel for Lyft to
18 counsel for AGIS Software, dated October 5, 2021, regarding the parties’ prior litigation in the
19 Eastern District of Texas (Case Nos. 2:21-cv-00024 (member); 2:21-cv-00072 (lead)) (the “EDTX
20 Action”).

21 8. AGIS Software’s production volume AGISSOFTWARE_PROD001 in the EDTX
22 Action contained documents bearing the Bates labels AGISSOFTWARE_0000001 -
23 AGISSOFTWARE_0007871 and was originally produced¹ on May 19, 2021.

24 9. Attached as Exhibit 4 is a true and correct copy of Lyft’s Notice of Amended
25 Subpoena *Ad Testificandum* to Advanced Ground Information Systems, Inc. (“AGIS, Inc.”), dated
26 September 21, 2021, which was issued in the EDTX Action.

27 _____
28 ¹ AGIS Software later provided a replacement production volume for
AGISSOFTWARE_PROD001 on August 3, 2021.

1 10. Attached as Exhibit 5 is a true and correct copy of the Proof of Service, dated
2 September 21, 2021, of Lyft's Subpoena to Testify at Deposition to AGIS, Inc., which was issued
3 in the EDTX Action.

4 11. Attached as Exhibit 6 is a true and correct copy of AGIS, Inc.'s Objections and
5 Responses to Lyft's Amended Subpoena to Testify in a Civil Action, dated October 4, 2021.

6 12. Attached as Exhibit 7 is a true and correct copy of AGIS Software's document
7 production service email, dated September 29, 2021, from the EDTX Action, which included
8 production links to AGIS Software's production volumes AGISSOFTWARE_PROD007 and
9 AGISSOFTWARE_PROD008.

10 13. AGIS Software's production volume AGISSOFTWARE_PROD007 in the EDTX
11 Action contained documents bearing the Bates labels AGISSOFTWARE_0563036 -
12 AGISSOFTWARE_0640086, and AGIS Software's production volume
13 AGISSOFTWARE_PROD008 in the EDTX Action contained documents bearing the Bates labels
14 AGISSOFTWARE_0640087 - AGISSOFTWARE_0648414.

15 14. The last AGIS Software document production in the EDTX Action was production
16 volume AGISSOFTWARE_PROD020, produced on November 15, 2021, which contained
17 documents bearing the Bates labels AGISSOFTWARE_0663420 - AGISSOFTWARE_0663441.

18 15. Attached as Exhibit 8 is a true and correct copy of a letter from counsel for Lyft to
19 counsel for AGIS Software, dated November 8, 2021, regarding the EDTX Action.

20 16. Attached as Exhibit 9 is a true and correct copy of an email from counsel for AGIS
21 Software to counsel for the defendants in the EDTX Action, dated August 13, 2021, regarding
22 source code available for inspection in the EDTX Action.

23 17. Attached as Exhibit 10 is a true and correct copy of an email from counsel for AGIS
24 Software to counsel for the defendants in the EDTX Action, dated October 22, 2021, regarding
25 LifeRing products available for inspection in the EDTX Action.

26 18. Attached as Exhibit 11 is a true and correct copy of AGIS Software's Disclosure of
27 Asserted Claims and Infringement Contentions, dated May 19, 2021, from the EDTX Action.

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Executed on this 3rd day of May, 2022 at Dallas, Texas, County of Dallas. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: May 3, 2022

Respectfully submitted,

By: /s/ Bethany R. Salpietra
Bethany R. Salpietra

Attorneys for Plaintiff Lyft, Inc.