

1 **BAKER BOTTS L.L.P.**
Jeremy J. Taylor (SBN 249075)
2 jeremy.taylor@bakerbotts.com
Arya Moshiri (SBN 324231)
3 arya.moshiri@bakerbotts.com
101 California St., Ste. 3600
4 San Francisco, CA 94111
Telephone: 415.291.6200
5 Facsimile: 415.291.6300

6 Bethany R. Salpietra (*pro hac vice*)
bethany.salpietra@bakerbotts.com
7 2001 Ross Ave., Ste. 900
Dallas, TX 75201
8 Telephone: 214.953.6500
Facsimile: 214.953.6503

9 *Attorneys for Plaintiff Lyft, Inc.*

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12
13 LYFT, INC.

14 Plaintiff,

15 v.

16 AGIS SOFTWARE DEVELOPMENT LLC,

17 Defendant.

Case No. 5:21-cv-04653-BLF

**PLAINTIFF LYFT, INC.’S OPPOSITION
TO DEFENDANT AGIS SOFTWARE
DEVELOPMENT LLC’S MOTION TO
DISMISS COMPLAINT FOR
DECLARATORY JUDGMENT**

Hon. Judge Beth Labson Freeman

Date: January 27, 2022

Time: 9:00 a.m.

Location: Courtroom 3

20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

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

I. INTRODUCTION 1

II. RELEVANT FACTUAL BACKGROUND 2

III. LEGAL STANDARD 4

IV. ARGUMENT 6

 A. AGIS Cannot Be Insulated From Jurisdiction Based On Its Corporate Structure..... 6

 B. AGIS Is Subject to Specific Personal Jurisdiction in this District 9

 1. AGIS’ numerous contacts with residents in this District exceed the minimum contacts requirement. 10

 2. AGIS’ arguments contradict Federal Circuit precedent..... 11

 3. This Action was the direct result of AGIS’ numerous contacts..... 13

 4. Jurisdiction here is reasonable, and AGIS has failed to show otherwise..... 13

 C. First-To-File Rules Does Not Control 16

V. REQUEST FOR JURISDICTIONAL DISCOVERY 17

VI. CONCLUSION 18

TABLE OF AUTHORITIES

		Page(s)
1		
2		
3	CASES	
4	<i>3D Sys., Inc. v. Aarotech Labs., Inc.</i> ,	
5	160 F.3d 1373 (Fed. Cir. 1998).....	7
6	<i>Adobe Sys., Inc. v. Tejas Research, LLC</i> ,	
7	No. C-14-0868 EMC, 2014 WL 4651654 (N.D. Cal. Sept. 17, 2014).....	11, 12
8	<i>AGIS Software Dev. LLC v. Apple, Inc.</i> ,	
9	Case No. 2:17-cv-516 (E.D. Tex.)	2, 4, 14
10	<i>AGIS Software Dev. LLC v. Google LLC</i> ,	
11	Case No. 2:19-cv-361 (E.D. Tex.)	2, 14
12	<i>AGIS Software Dev. LLC v. HTC Corp.</i> ,	
13	Case No. 2:17-cv-514 (E.D. Tex.)	2, 14
14	<i>AGIS Software Dev. LLC v. Huawei Device USA Inc.</i> ,	
15	et al., Case No. 2:17-cv-513 (E.D. Tex.).....	2, 14
16	<i>AGIS Software Dev. LLC v. LG Elecs., Inc.</i> ,	
17	Case No. 2:17-cv-515 (E.D. Tex.)	2, 14
18	<i>AGIS Software Dev. LLC v. Lyft, Inc.</i> ,	
19	Case No. 2:21-cv-24 (E.D. Tex.)	2, 14
20	<i>AGIS Software Dev. LLC v. Samsung Elecs. Co., Ltd. et al.</i> ,	
21	Case No. 2:19-cv-362 (E.D. Tex.)	2, 14
22	<i>AGIS Software Dev. LLC v. T-Mobile USA, Inc.</i> ,	
23	Case No. 2:21-cv-72 (E.D. Tex.)	2, 14
24	<i>AGIS Software Dev. LLC v. Uber Technologies, Inc. d/b/a Uber</i> ,	
25	Case No. 2:21-cv-26 (E.D. Tex.)	2, 14
26	<i>AGIS Software Dev. LLC v. Waze Mobile Limited</i> ,	
27	Case No. 2:19-cv-359 (E.D. Tex.)	2, 14
28	<i>AGIS Software Dev. LLC v. WhatsApp, Inc.</i> ,	
	Case No. 2:21-cv-29 (E.D. Tex.)	2, 4, 14
	<i>AGIS Software Dev. LLC v. ZTE Corp. et al.</i> ,	
	Case No. 2:17-cv-517 (E.D. Tex.)	2, 14
	<i>AGIS Software Development LLC v. Uber Technologies Inc. d/b/a Uber</i> ,	
	2-21-cv-28 (E.D. Tex. Jan. 29, 2021).....	4

1 *Alien Tech. Corp. v. Intermec, Inc.*,
 2 No. 3:06-cv-51, 2007 WL 63989 (D.N.D. Jan. 4, 2007) 9

3 *Asahi Metal Indus. Co. v. Super. Ct. of Cal., Solano Cty.*,
 4 480 U.S. 102 (1987) 16

5 *Autogenomics, Inc. v. Oxford Gene Tech. Ltd.*,
 6 566 F.3d 1012 (Fed. Cir. 2009) 4-5

7 *Avocent Huntsville Corp. v. Aten Int’l Co.*,
 8 552 F.3d 1324 (Fed. Cir. 2008) 5, 10, 12

9 *Burger King Corp. v. Rudzewicz*,
 10 471 U.S. 462 (1985) passim

11 *Campbell Pet Co. v. Miale*,
 12 542 F.3d 879 (Fed. Cir. 2008) 13

13 *Celgard, LLC v. SK Innovation Co.*,
 14 792 F.3d 1373 (Fed. Cir. 2015) 9

15 *Dainippon Screen Mfg. Co. v. CFMT, Inc.*,
 16 142 F.3d 1266 (Fed. Cir. 1998) 1, 6, 7, 8, 9

17 *Elecs. for Imaging, Inc. v. Coyle*,
 18 340 F.3d 1344 (Fed. Cir. 2003) 13

19 *Ergo Licensing, LLC v. Cardinal Health, Inc.*,
 20 No. 08-259-P-S, 2009 WL 585789 (D. Me. Mar. 5, 2009) 17, 18

21 *Ford Motor Co. v. Montana Eighth Jud. Dist. Ct.*,
 22 141 S. Ct. 1017 5, 10

23 *Google Inc. v. Rockstar Consortium U.S. LP*,
 24 No. C13-5933-CW, 2014 WL 1571807 (N.D. Cal. 2014) 7, 8

25 *Google LLC v. Sonos, Inc.*,
 26 2020 WL 6822880 (N.D. Cal. Nov. 20, 2020) 17

27 *Hanson v. Denckla*,
 28 357 U.S. 235 (1958) 5

In re Microsoft Corp.,
 630 F.3d 1361 (Fed. Cir. 2011) 7

In re Samsung Elecs. Co., Ltd.,
 2 F.4th 1371 (Fed. Cir. 2021) 1

1 *Inamed Corp. v. Kuzmak*,
 2 249 F.3d 1356 (Fed. Cir. 2001)..... 5, 13

3 *Indep. Elec. Supply Inc. v. Solar Installs, Inc.*,
 4 No. 18-CV-01435-KAW, 2018 WL3344545 (N.D. Cal. July 9, 2018)..... 15-16

5 *Jack Henry & Assocs., Inc. v. Plano Encryption Techs, LLC*,
 6 910 F.3d 1199 (Fed. Cir. 2018)..... 5, 11

7 *Kyocera Int’l, Inc. v. Semcon IP, Inc.*,
 8 No. 3:18-CV-1575-CAB-MDD, 2018 WL 5112056 (S.D. Cal. Oct. 19, 2018)..... 11-12

9 *Laub v. U.S. Dep’t of Interior*,
 10 342 F.3d 1080 (9th Cir. 2003)..... 17

11 *Life360, Inc. v. Advanced Ground Info. Sys., Inc.*,
 12 No. 15-CV-151-BLF, 2015 WL 5612008 (N.D. Cal. Sept. 21, 2015)..... 1, 3, 4, 6

13 *Life360, Inc. v. Advanced Ground Info. Sys., Inc.*,
 14 No. 15-CV-151-BLF, Dkt. 52 at 13 (N.D. Cal. Sept. 21, 2015)..... 14

15 *Lyft, Inc. v. Quartz Auto Techs. LLC*,
 16 4:21-cv-1871, Dkt. 44 (N.D. Cal. Sept. 7, 2021) 9-10

17 *Ross v. Abbott Vascular, Inc.*,
 18 No. 19-CV-03794-JST, 2020 WL 4934487 (N.D. Cal. Apr. 6, 2020) (Tigar, J.)..... 17

19 *S. Dakota v. Wayfair, Inc.*,
 20 138 S. Ct. 2080 (2018) 13

21 *Smith Micro Software, Inc. et al v. AGIS Software Development LLC*,
 22 5-21-cv-3677 (N.D. Cal. May. 17, 2021)..... 14

23 *Stewart v. Screen Gems–EMI Music, Inc.*,
 24 81 F. Supp. 3d 938 (N.D. Cal. 2015) 9

25 *Trimble Inc. v. PerDiemCo LLC*,
 26 997 F.3d 1147, 2021 WL 1898127 (Fed. Cir. 2021)..... passim

27 *WhatsApp LLC v. AGIS Software Development LLC*
 28 5-21-cv-3076 (N.D. Cal. Apr. 27, 2021)..... 14

Wistron Corp. v. Phillip M. Adams & Assocs., LLC,
 No. C-10-4458 EMC, 2011 WL 1654466 (N.D. Cal. Apr. 28, 2011)..... 7

Xilinx, Inc. v. Papst Licensing GmbH & Co. KG,
 848 F.3d 1346 (Fed. Cir. 2017)..... 14, 15, 16

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.