

# Exhibit 5

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

**PLAINTIFF LYFT, INC.'S NOTICE OF  
SUBPOENA TO AGIS HOLDINGS, INC.**

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Rules 34 and 45 of the Federal Rules of Civil Procedure, counsel for Plaintiff Lyft, Inc. (“Lyft”), will be issuing the attached subpoena to AGIS Holdings, Inc.

Dated: February 4, 2022

Respectfully submitted,

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

Jeremy J. Taylor (SBN 249075)  
Arya Moshiri (SBN 324231)  
jeremy.taylor@bakerbotts.com  
arya.moshiri@bakerbotts.com  
**BAKER BOTTS L.L.P.**  
101 California St., Ste. 3600  
San Francisco, CA 94111  
Telephone: 415.291.6200  
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Bethany R. Salpietra (*pro hac vice*)  
bethany.salpietra@bakerbotts.com  
**BAKER BOTTS L.L.P.**  
2001 Ross Ave., Ste. 900  
Dallas, TX 75201  
Telephone: 214.953.6500  
Facsimile: 214.953.6503

*Attorneys for Plaintiff Lyft, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via electronic mail on February 4, 2022.

/s/ Bethany R. Salpietra  
Bethany R. Salpietra

UNITED STATES DISTRICT COURT

for the

Northern District of California

Lyft, Inc.

Plaintiff

v.

AGIS Software Development LLC

Defendant

Civil Action No. 5:21-cv-04653-BLF

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

AGIS Holdings, Inc.
c/o BEYER, MALCOLM K JR, 92 Lighthouse Dr., Jupiter, FL 33469

(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters: See Attachment A

Table with 2 columns: Place (Baker Botts L.L.P., 101 California Street, Suite 3600 San Francisco, CA 9411) and Date and Time (03/04/2022 9:00 am)

The deposition will be recorded by this method: stenographic and videographic means

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Attachment A

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 02/04/2022

CLERK OF COURT

OR

/s/ Bethany R. Salpietra

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Lyft, Inc.

Bethany Salpietra, Baker Botts L.L.P, 2001 Ross Ave., Ste. 900, Dallas, TX 75201
214-953-6765, bethany.salpietra@bakerbotts.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to

Civil Action No. 5:21-cv-04653-BLF

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

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