

1 Lisa K. Nguyen (Bar No. 244280)
lisa.nguyen@lw.com
2 Richard G. Frenkel (Bar No. 204133)
rick.frenkel@lw.com
3 Clara Wang (Bar No. 321496)
4 clara.wang@lw.com
LATHAM & WATKINS LLP
5 140 Scott Drive
Menlo Park, CA 94025
6 Telephone: (650) 328-4600
7 Facsimile: (650) 463-2600

8 Alan M. Billharz (*pro hac vice*)
alan.billharz@lw.com
9 Tiffany C. Weston (*pro hac vice*)
tiffany.weston@lw.com
10 LATHAM & WATKINS LLP
11 555 Eleventh Street, NW, Suite 1000
Washington, DC 20004
12 Telephone: (202) 637-2200
13 Facsimile: (202) 637-2201

14 *Attorneys for Plaintiff*
WhatsApp LLC

Alfred R. Fabricant (*pro hac vice*)
afabricant@fabricantllp.com
Peter Lambrianakos (*pro hac vice*)
plambrianakos@fabricantllp.com
Vincent J. Rubino, III (*pro hac vice*)
vrubino@fabricantllp.com
Enrique Iturralde (*pro hac vice*)
eiturralde@fabricantllp.com
FABRICANT LLP
411 Theodore Fremd Road, Suite 206 South
Rye, New York 10580
Telephone: (212) 257-5797
Facsimile: (212) 257-5796

Benjamin T. Wang (CA SBN 228712)
bwang@raklaw.com
Minna Y. Chan (CA SBN 305941)
mchan@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-9226

Attorneys for Defendant
AGIS Software Development LLC

16
17 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
18 **SAN JOSE DIVISION**

19 WHATSAPP LLC,
20
Plaintiff,
21
v.
22 AGIS SOFTWARE DEVELOPMENT LLC,
23
Defendant.

Case No. 5:21-cv-03076-BLF
JOINT MOTION TO DISMISS ACTION
& [PROPOSED] ORDER

24
25
26
27
28

1 Plaintiff WhatsApp LLC (“WhatsApp”) and Defendant AGIS Software Development LLC
2 (“AGIS Software”) (collectively, the “Parties”) hereby jointly move the Court to dismiss all claims
3 of WhatsApp against AGIS Software without prejudice.

4 The Parties further move that all costs be assessed against the party who incurred them.

5 WHEREFORE, the Parties respectfully request that the Court enter the Proposed Order
6 submitted with this motion.

7
8 Dated: October 1, 2021

By /s/ Lisa K. Nguyen

Lisa K. Nguyen (Bar No. 244280)

lisa.nguyen@lw.com

Richard G. Frenkel (Bar No. 204133)

rick.frenkel@lw.com

Clara Wang (Bar No. 321496)

clara.wang@lw.com

LATHAM & WATKINS LLP

140 Scott Drive

Menlo Park, CA 94025

Telephone: (650) 328-4600

Facsimile: (650) 463-2600

Alan M. Billharz (*pro hac vice*)

alan.billharz@lw.com

Tiffany C. Weston (*pro hac vice*)

tiffany.weston@lw.com

LATHAM & WATKINS LLP

555 Eleventh Street, NW, Suite 1000

Washington, DC 20004

Telephone: (202) 637-2200

Facsimile: (202) 637-2201

Attorneys for Plaintiff

WhatsApp LLC

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24 Dated: October 1, 2021

By /s/ Alfred R. Fabricant

Benjamin T. Wang (CA SBN 228712)

bwang@raklaw.com

Minna Y. Chan (CA SBN 305941)

mchan@raklaw.com

RUSS AUGUST & KABAT

12424 Wilshire Boulevard, 12th Floor

Los Angeles, California 90025

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

Telephone: (310) 826-7474
Facsimile: (310) 826-9226

Alfred R. Fabricant (pro hac vice)
afabricant@fabricantllp.com
Peter Lambrianakos (pro hac vice)
plambrianakos@fabricantllp.com
Vincent J. Rubino, III (pro hac vice)
vrubino@fabricantllp.com
Enrique Iturralde (pro hac vice)
eiturralde@fabricantllp.com

FABRICANT LLP
411 Theodore Fremd Road, Suite 206 South
Rye, New York 10580 Telephone: (212) 257-
5797 Facsimile: (212) 257-5796

Attorneys for Defendant
AGIS Software Development LLC

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

ATTESTATION

I hereby attest that all other signatories listed, and on whose behalf this filing is submitted,
concur in this filing's content and have authorized this filing.

Dated: October 1, 2021

/s/ Lisa K. Nguyen

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

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

WHATSAPP LLC,

Plaintiff,

v.

AGIS SOFTWARE DEVELOPMENT LLC,

Defendant.

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

**[PROPOSED] ORDER GRANTING
JOINT MOTION TO DISMISS ACTION**

On this date, the Court considered the Joint Notice to Dismiss Action by Plaintiff WhatsApp LLC (“WhatsApp”) and Defendant AGIS Software Development LLC (“AGIS Software”) (collectively, the “Parties”). Based on the motion, the grounds set forth therein, the pleadings and other filings in this case, and the agreement of the Parties to the motion, the Court finds that good cause has been established and the Joint Motion should be granted.

ORDERED, ADJUDGED AND DECREED that all claims asserted in this suit by WhatsApp against AGIS Software are hereby dismissed without prejudice.

It is further ORDERED that all costs are assessed against the party who incurred them.

IT IS SO ORDERED.

Dated:

Hon. Beth Labson Freeman