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14 Attorneys for Defendant
 15 *AGIS Software Development LLC*

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

19 SMITH MICRO SOFTWARE, INC., and
 SMITH MICRO SOFTWARE, LLC,

20 *Plaintiffs,*

21 v.

22 AGIS SOFTWARE DEVELOPMENT LLC,

23 Defendant.

Case No. 5:21-cv-03677-BLF

Hon. Judge Beth Labson Freeman

**AMENDED NOTICE OF HEARING
 DATE REGARDING MOTION TO
 DISMISS COMPLAINT**

Original Hearing Date:

Date: October 7, 2021

Time: 10:00 a.m.

Location: Courtroom 11

Amended Hearing Date

Date: January 27, 2022

Time: 9:00 a.m.

Location: Courtroom 3

AMENDED NOTICE OF HEARING DATE REGARDING MOTION AND MOTION TO DISMISS

PLEASE TAKE NOTICE that on January 27, 2022 at 9:00 a.m., or as soon thereafter as the matter may be heard before The Honorable Beth Labson Freeman in the United States District Court for the Northern District of California in the Robert F. Peckham Federal Building & United States Courthouse, Courtroom 3, 5th Floor, 280 South 1st Street, San Jose, California 95113, Defendant AGIS Software Development LLC (“AGIS Software” or “Defendant”) will and hereby does move the Court, for: (1) an order dismissing the Complaint for Declaratory Judgment filed by Plaintiffs Smith Micro, Inc. and Smith Micro, LLC (collectively, “Smith Micro”) pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure; (2) an order dismissing the Complaint for Declaratory Judgment in favor of the first-filed action; or (3) in the alternative, an order staying this action pending a decision on Smith Micro’s motion to dismiss, or in the alternative, to transfer, which is currently pending in the Eastern District of Texas. *See* Dkt. 28. The previously noticed hearing date was October 7, 2021 at 10:00 a.m., but is now amended to January 27, 2022 at 9:00 a.m.

RUSS AUGUST & KABAT

DATED: August 30, 2021

Respectfully submitted,

RUSS AUGUST & KABAT

By: /s/ Benjamin T. Wang
Benjamin T. Wang

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CERTIFICATE OF SERVICE

I certify that I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court for the Northern District of California using the CM/ECF System on August 30, 2021.

I certify that all counsel of record who are deemed to have consented to electronic service are being served on August 30, 2021 with a copy of this document via the Court’s CM/ECF systems per Local Rule CV-5(a)(3). Any other counsel will be served by electronic mail, facsimile, overnight delivery and/or First Class Mail on this date.

DATED: August 30, 2021

/s/ Benjamin T. Wang

Benjamin T. Wang

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