

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

AGIS SOFTWARE DEVELOPMENT LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
HUAWEI DEVICE USA INC., HUAWEI	§	Civil Action No. 2:17-CV-513-JRG
DEVICE CO., LTD. AND HUAWEI	§	(Lead Case)
DEVICE (DONGGUAN) CO., LTD.,	§	
HTC CORPORATION,	§	Civil Action No. 2:17-CV-514-JRG
LG ELECTRONICS INC.,	§	Civil Action No. 2:17-CV-515-JRG
APPLE INC.,	§	Civil Action No. 2:17-CV-516-JRG
ZTE CORPORATION, ZTE (USA), INC.,	§	Civil Action No. 2:17-CV-517-JRG
AND ZTE (TX), INC.,		
Defendants.		

**DEFENDANTS HUAWEI DEVICE USA INC., HUAWEI DEVICE CO., LTD. AND
HUAWEI DEVICE (DONGGUAN) CO., LTD.'S AND LG ELECTRONICS INC.'S
MOTION TO STAY PENDING RESOLUTION OF HUAWEI'S MOTION TO
TRANSFER (DKT. NO. 36) AND LGEKR'S MOTION TO DISMISS OR TRANSFER
(DKT. NO. 46)**

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Defendants Huawei Device USA Inc., Huawei Device Co., Ltd., and Huawei Device (Dongguan) Co., Ltd. (collectively, “Huawei”) and LG Electronics Inc. (“LGEKR”) respectfully move this Court to stay this case pending resolution of Huawei’s Motion to Change Venue to the Northern District of California and LGEKR’s Motion to Dismiss for Lack of Jurisdiction, or in the Alternative, to Transfer Venue to the Northern District of California.

I. INTRODUCTION

The Federal Circuit has counseled that district courts should resolve transfer motions before addressing the merits of a litigation. *See In re EMC Corp.*, 501 F. App’x 973, 975 (Fed. Cir. 2013). Huawei’s transfer motion, and LGEKR’s motion to dismiss for lack of personal jurisdiction, or alternatively, to transfer, are both fully briefed and ripe for the Court’s decision. Meanwhile, claim construction deadlines are fast approaching and the parties are already engaged in discovery. To avoid the need for the parties to expend resources litigating substantive matters in a potentially inconvenient venue, Huawei and LGEKR request a stay of the case pending disposition of their motions. A stay is likely to be short, as the motions are fully briefed, and thus will not prejudice AGIS. Rather, a stay will reduce the burden on all parties—and the Court—by ensuring that the threshold issues of venue and jurisdiction are resolved before proceeding to the substantive merits of the case. For these reasons, Huawei and LGEKR request that the Court stay this litigation pending resolution of their motions.

II. BACKGROUND

A. Pending Motions To Dismiss Or Transfer

On July 21, 2017, Plaintiff AGIS Software Development, LLC (“AGIS”) filed lawsuits against Huawei and LGEKR, asserting infringement of the same four patents. On the same day, AGIS filed lawsuits against Apple, HTC, and ZTE, asserting infringement of either identical or

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