

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

AGIS SOFTWARE DEVELOPMENT, LLC	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
HUAWEI DEVICE USA INC., HUAWEI	§	C.A. No. 2:17-cv-00513-JRG (Lead Case)
DEVICE CO., LTD. AND HUAWEI DEVICE	§	
(DONGGUAN) CO., LTD.,	§	
HTC CORPORATION,	§	C.A. No. 2:17-cv-514-JRG
LG ELECTRONICS INC.,	§	C.A. No. 2:17-cv-515-JRG
APPLE INC.,	§	C.A. No. 2:17-cv-516-JRG
ZTE CORPORATION, ZTE (TX), INC., AND	§	C.A. No. 2:17-cv-517-JRG
ZTE (USA), INC.	§	
	§	
	§	
<u><i>Defendants.</i></u>	§	

NOTICE OF JOINDER

Defendants ZTE (USA) Inc. and ZTE (TX), Inc. (“ZTA” and “ZTX,” respectively and collectively, “ZTE”)¹ hereby respectfully provide this notice to join in the motion and relief, as requested in Huawei Device USA Inc., Huawei Device Co., Ltd. and Huawei Device (Dongguan) Co., Ltd., and LG Electronics Inc.’s Motion to Stay (Dkt. No. 102), in which a stay is sought pending resolution of the pending jurisdictional and venue motions.² In doing so, ZTE incorporates all arguments and authorities within the Motion to Stay (Dkt. No. 102) herein.

Plaintiff AGIS Software Development, LLC (“AGIS”) initiated five patent infringement lawsuits on June 21, 2017, including lawsuits against (1) ZTE, (2) Huawei Device USA Inc., Huawei Device Co., Ltd. and Huawei Device (Dongguan) Co., Ltd., (3) LG Electronics Inc., (4)

¹ Defendant ZTE Corporation has not yet been served or otherwise appeared in this case.
² See Huawei’s Motion to Change Venue to the Northern District of California, 2:17-cv-00513 (Dkt. No. 36), and LGEKR’s Motion to Dismiss for Lack of Jurisdiction, or in the Alternative, to Transfer Venue to the Northern District of California, 2:17-cv-00513 (Dkt. No. 40).

Apple, Inc., and (5) HTC Corporation, all of which involve the same four patents. *See* Case Nos. 2:17-cv-00513, 2:17-cv-00514, 2:17-cv-00516, and 2:17-cv-00517. As to the ZTE lawsuit, AGIS filed an Amended Complaint on October 17, 2017. Dkt. No. 32.³ AGIS served ZTX on July 6, 2017, Dkt. No. 7 and served ZTA on October 17, 2017, Dkt. No. 33.⁴ On November 21, 2017, Defendants ZTA and ZTX filed a Motion to Dismiss for Improper Venue, or in the Alternative, to Transfer to the Northern District of California. Dkt. No. 38. The parties completed briefing on ZTE's motion to dismiss/transfer on January 26, 2018. Dkt. No. 52.

For this notice of joinder, in the interest of judicial economy, ZTE fully adopts by reference the arguments and authorities in the pending Motion to Stay (Dkt. No. 102). *See P & O Ports Tex., Inc. v. Rederi*, No. 02-20055, 2002 U.S. App. LEXIS 29787, at *5 (5th Cir. Oct. 21, 2002) (“A party may incorporate a previous motion by reference.”); *Singh v. JP Morgan Chase Bank, NA*, No. 4:11-CV-607, 2012 U.S. Dist. LEXIS 127548, at *22 (E.D. Tex. July 31, 2012), *report and recommendation adopted*, No. 4:11cv607, 2012 U.S. Dist. LEXIS 127550 (E.D. Tex. Sep. 7, 2012) (allowing adoption and incorporation of arguments and authorities in co-defendant's motion); *Affinity Labs of Tex., LLC v. BMW N. Am., LLC*, Civil Action No. 9:08-CV-164, 2009 U.S. Dist. LEXIS 131921, at *9 (E.D. Tex. Feb. 20, 2009) (allowing motion with incorporation by reference of co-defendants' motion, rather than requiring notice to join).

ZTE thus respectfully joins the pending Motion to Stay and requests that the Court grant the requested relief, issuing a stay pending the resolution of the jurisdictional and venue motions.

Dated: March 28, 2018

Respectfully submitted,

/s/ Lionel M. Lavenue

Lionel M. Lavenue

³ Unless noted, citations to the docket are to Civil Action No. 2:17-cv-00517-JRG.

⁴ AGIS has yet to serve a third ZTE entity, namely, ZTE Corporation, a Chinese entity.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 28, 2018, a true and correct copy of the foregoing was served to the parties' counsel of record via ECF pursuant to Local Rule CV-5(d).

/s/ Lionel M. Lavenue
Lionel M. Lavenue