

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  
DEVICE CO., LTD. AND HUAWEI  
DEVICE (DONGGUAN) CO., LTD.,

Defendants.

CASE NO. 2:17-CV-0513-JRG  
LEAD CASE

JURY TRIAL DEMANDED

AGIS SOFTWARE DEVELOPMENT, LLC,

Plaintiff,

v.

HTC CORPORATION,

Defendant.

CASE NO. 2:17-CV-0514-JRG  
(CONSOLIDATED CASE)

JURY TRIAL DEMANDED

**DEFENDANT HTC CORPORATION'S NOTICE OF JOINDER**

Defendant HTC Corporation ("HTC") hereby respectfully provides 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.<sup>1</sup> In doing so, HTC incorporates herein all arguments and authorities within the Motion to Stay (Dkt. No. 102).

<sup>1</sup> 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).

Plaintiff AGIS Software Development, LLC (“AGIS”) initiated five patent infringement lawsuits on June 21, 2017, including lawsuits against (1) ZTE (USA) Inc. and ZTE (TX), Inc., (2) Huawei Device USA Inc., Huawei Device Co., Ltd. and Huawei Device (Dongguan) Co., Ltd., (3) LG Electronics Inc., (4) 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-00515, 2:17-cv-00516, and 2:17-cv-00517. As to the HTC lawsuit, (No. 2:17-cv-00514-JRG) AGIS filed a Complaint on June 21, 2017. Dkt. No. 1. On January 22, 2018, Defendant HTC filed a Motion to Dismiss for Lack of Personal Jurisdiction, or in the Alternative, to Transfer to the Northern District of California. Dkt. No. 29. The parties completed briefing on HTC’s motion to dismiss/transfer on March 7, 2018. Dkt. No. 49.

For this notice of joinder, in the interest of judicial economy, HTC fully adopts by reference the arguments and authorities in the pending Motion to Stay (No. 2:17-cv-00513-JRG) 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).

HTC 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: April 12, 2018

Respectfully submitted,

/s/ Miguel Bombach

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ATTORNEYS FOR DEFENDANT

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on April 12, 2018, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Miguel Bombach

**CERTIFICATE OF CONFERENCE**

This is to certify that pursuant to Local Rule CV-7(h), counsel has conferred concerning this Motion and the Motion is opposed.

/s/ Miguel J. Bombach  
Miguel J. Bombach