

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

AGIS SOFTWARE DEVELOPMENT LLC,	§	
	§	Case No. 2:17-CV-0514-JRG
Plaintiff,	§	(LEAD CASE)
	§	
v.	§	<u>JURY TRIAL DEMANDED</u>
	§	
HTC CORPORATION,	§	
	§	
Defendant.	§	

LG ELECTRONICS INC.,	§	Case No. 2:17-CV-0515-JRG
	§	(CONSOLIDATED CASE)
Defendant.	§	
	§	<u>JURY TRIAL DEMANDED</u>

**PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S OPPOSED MOTION
FOR LEAVE TO FILE ADDITIONAL MOTION IN LIMINE**

Plaintiff AGIS Software Development LLC (“AGIS”), by and through its undersigned counsel, respectfully requests leave to file an additional motion *in limine* in light of Defendant LG Electronics, Inc.’s (“LG”) amended rebuttal pretrial disclosures.

The Fourth Docket Control Order contains the following deadlines:

February 13, 2019	Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
February 8, 2019	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof

On February 14, 2019, LG served amended rebuttal pretrial disclosures identifying “Apple, Inc.,” and “reserv[ing] the right to identify a witness from Apple, Inc. most knowledgeable on settlement terms with AGIS related to *AGIS Software Development, LLC v. Huawei USA Inc.*, Case No. 2:17-cv-0513-JRG (E.D. Tex.) (lead case).” Ex. A, Email from B. Phan serving Amended Rebuttal Pretrial Disclosures, dated February 14, 2019; Ex. B, LG’s Amended Rebuttal Pretrial Disclosures. A joint motion to stay all deadlines was entered in the case, *AGIS Software Development LLC v. Huawei Device USA Inc.*, Case No. 2:17-cv-00513-JRG, Dkt. 342 (E.D. Tex.) (Lead Case), as to Defendant Apple Inc. on February 8, 2019. An order granting the joint motion to stay all deadlines in that matter was granted on February 11, 2019.

LG improperly attempts to include an unidentified, never-before-disclosed third-party witness in its amended rebuttal pretrial disclosures. Further, this disclosure comes after the deadline for motions *in limine* and rebuttal pretrial disclosures has passed, and therefore, AGIS respectfully requests leave to file an additional motion *in limine* to address the improper and late disclosure of an unidentified third party witness from Apple Inc.

Dated: February 18, 2019

BROWN RUDNICK LLP

/s/ Alfred R. Fabricant

Alfred R. Fabricant
NY Bar No. 2219392
Email: afabricant@brownrudnick.com
Lawrence C. Drucker
NY Bar No. 2303089
Email: ldrucker@brownrudnick.com
Peter Lambrianakos
NY Bar No. 2894392
Email: plambrianakos@brownrudnick.com
Vincent J. Rubino, III
NY Bar No. 4557435
Email: vrubino@brownrudnick.com
Alessandra C. Messing
NY Bar No. 5040019
Email: amessing@brownrudnick.com
Shahar Harel
NY Bar No. 4573192
Email: sharel@brownrudnick.com
John A. Rubino
NY Bar No. 5020797
Email: jrubino@brownrudnick.com
Enrique W. Iturralde
NY Bar No. 5526280
Email: eiturralde@brownrudnick.com
Timothy J. Rousseau
NY Bar No. 4698742
Email: trousseau@brownrudnick.com
Daniel J. Shea, Jr.
NY Bar No. 5430558
Email: dshea@brownrudnick.com
Justine Minseon Park
NY Bar No. 5604483
Email: apark@brownrudnick.com
BROWN RUDNICK LLP
7 Times Square
New York, NY 10036
Telephone: 212-209-4800
Facsimile: 212-209-4801

Samuel F. Baxter
Texas State Bar No. 01938000

Email: sbaxter@mckoolsmith.com
Jennifer L. Truelove
Texas State Bar No. 24012906
Email: jtruelove@mckoolsmith.com
McKOOL SMITH, P.C.
104 East Houston Street, Suite 300
Marshall, Texas 75670
Telephone: 903-923-9000
Facsimile: 903-923-9099

**ATTORNEYS FOR PLAINTIFF, AGIS
SOFTWARE DEVELOPMENT LLC**

CERTIFICATE OF CONFERENCE

This is to certify that counsel for Plaintiff AGIS Software Development LLC met and conferred with counsel for Defendant LG Electronics Inc. in compliance with LR CV-7(h) in regards to its Motion for Leave to File Additional Motion *in Limine*. While LG has not consented to the relief sought in this Motion, AGIS will meet and confer with LG again prior to Final Pre-Trial Conference to attempt to come to an agreement regarding this Motion.

/s/ Alfred R. Fabricant

Alfred R. Fabricant

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.