

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

AGIS SOFTWARE DEVELOPMENT, LLC,	§	
	§	Case No. 2:17-cv-514-JRG
Plaintiff,	§	<b>(LEAD CASE)</b>
	§	
v.	§	<b>JURY TRIAL DEMANDED</b>
	§	
HTC CORPORATION,	§	
	§	
Defendant.	§	
	§	
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AGIS SOFTWARE DEVELOPMENT, LLC,	§	
	§	Case No. 2:17-cv-517-JRG
Plaintiff,	§	<b>(CONSOLIDATED CASE)</b>
	§	
v.	§	<b>JURY TRIAL DEMANDED</b>
	§	
ZTE CORPORATION, ET AL.,	§	
	§	
Defendants.	§	
	§	

**PLAINTIFF AGIS SOFTWARE DEVELOPMENT, LLC'S  
UNOPPOSED MOTION FOR LEAVE TO FILE A CORRECTED  
SUR-REPLY IN OPPOSITION TO ZTE DEFENDANTS' MOTION (DKT. 38)  
TO DISMISS PLAINTIFF'S COMPLAINT FOR IMPROPER VENUE OR,  
IN THE ALTERNATIVE, TO TRANSFER VENUE**

Plaintiff AGIS Software Development, LLC ("AGIS") respectfully requests leave to file a Corrected Sur-Reply in Opposition to ZTE Defendants' Motion (Dkt. 38) to Dismiss Plaintiff's Complaint for Improper Venue or, in the Alternative, to Transfer Venue (Dkt. 52).

Shortly after AGIS's submission of its Sur-Reply brief, counsel for ZTE informed counsel for AGIS that AGIS's brief attached the incorrect document as Exhibit 11 (Dkt. 52-2). Counsel for ZTE also informed counsel for AGIS that AGIS's Sur-Reply brief (Dkt. 52) and the accompanying declaration (Dkt. 52-1) list the incorrect date of service for AGIS's Preliminary

Infringement Contentions to ZTE. Counsel for AGIS indicated that none of these errors were intentional, and that it intended to file the instant motion to cure these errors.

The Corrected Sur-Reply (Exhibit A<sup>1</sup>) corrects the date of service listed in footnote 5 of AGIS's Sur-Reply brief to January 19, 2018. The Corrected Sur-Reply also corrects the pin-cite to Exhibit 11 in the same footnote 5. *Id.* at n. 5. AGIS includes with this motion a redline comparison (Exhibit B) showing the changes made to AGIS's Corrected Sur-Reply. The Corrected Declaration (Exhibit C) corrects paragraph 2 to list the correct date of service of AGIS's Preliminary Infringement Contentions on ZTE. The corrected Exhibit 11 (Exhibit D) replaces the inadvertently-attached Huawei infringement contentions with the correct ZTE infringement contentions.

Plaintiff has conferred with the ZTE Defendants and the ZTE Defendants have reviewed the corrected papers. The ZTE Defendants indicated that they do not oppose the relief sought in this motion.

For these reasons, Plaintiff respectfully requests that the Court grant it leave to file the Corrected Sur-Reply.

Dated: February 7, 2018

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<sup>1</sup> Exhibits A-D refer to Exhibits to the Declaration of Vincent. J. Rubino, III, attached hereto.

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**ATTORNEYS FOR PLAINTIFF, AGIS  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on February 7, 2018, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Vincent J. Rubino, III

Vincent J. Rubino, III