

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

**AGIS SOFTWARE DEVELOPMENT,
LLC,**

Plaintiff,

v.

ZTE CORPORATION, ET AL.,

Defendants.

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Case No. 2:17-cv-00517-JRG

JURY TRIAL DEMANDED

**PLAINTIFF AGIS SOFTWARE DEVELOPMENT, LLC’S
UNOPPOSED MOTION FOR LEAVE TO FILE A SUPPLEMENTAL BRIEF
IN SUPPORT OF ITS OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS
PLAINTIFF’S AMENDED COMPLAINT FOR IMPROPER VENUE OR, IN THE
ALTERNATIVE, TO TRANSFER**

In light of the new precedent issued by the Federal Circuit in *In re Bigcommerce, Inc.*, Nos. 2018-120, 2018-122, 2018 WL 2207265 (Fed. Cir. May 15, 2018), attached hereto as Exhibit A, Plaintiff AGIS Software Development, LLC (“AGIS”) hereby respectfully moves the Court for leave to supplement its Opposition to Defendants’ Motion to Dismiss Plaintiff’s Amended Complaint for Improper Venue or, in the Alternative, to Transfer (Dkt. 38). In *In re Bigcommerce, Inc.*, the Federal Circuit held, “that for the purposes of determining venue under § 1400(b) in a state having multiple judicial districts, a corporate defendant shall be considered to ‘reside’ only in the single judicial district within that state where it maintains a principal place of business, or, failing that, the judicial district in which its registered office is located.” *In re Bigcommerce*, 2018 WL 2207265, at *6. AGIS respectfully requests permission to file a supplemental brief, not to exceed five (5) pages, to address the effect *In re Bigcommerce, Inc.* has on venue as to Defendant ZTE (TX), Inc.

Defendants ZTE (TX), Inc. and ZTE (USA), Inc. do not oppose this Motion so long as Defendants have an opportunity to file a response to AGIS's supplemental brief, not to exceed five (5) pages.

Dated: May 23, 2018

Respectfully submitted,

BROWN RUDNICK LLP

/s/ Vincent J. Rubino, III

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**ATTORNEYS FOR PLAINTIFF, AGIS
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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(h), counsel for Plaintiff AGIS Software Development, LLC (“AGIS”) conferred with Lionel Lavenue, counsel for Defendants ZTE (USA), Inc. and ZTE (TX), Inc., via teleconference on May 16, 2018, as well as via electronic mail on May 16-17, 2018, regarding the motion to supplement AGIS’s Opposition (Dkt. 46) to Defendants ZTE Corporation’s Motion to Dismiss Plaintiff’s Amended Complaint for Improper Venue or, in the Alternative, to Transfer (Dkt. 38). On May 17, 2018, Mr. Lavenue confirmed via e-mail that ZTE (USA), Inc. and ZTE (TX), Inc. do not oppose the relief sought in this motion, so long as Defendants are entitled to a response to AGIS’s supplemental brief.

/s/ Vincent J. Rubino, III

Vincent J. Rubino, III

CERTIFICATE OF SERVICE

The undersigned hereby certifies that 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) on May 23, 2018.

/s/ Vincent J. Rubino, III

Vincent J. Rubino, III