

EXHIBIT A



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August 13, 2021

VIA EMAIL (LISA.NGUYEN@LW.COM)

Lisa K. Nguyen, Esq.
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140 Scott Drive
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Re: *AGIS Software Development LLC v. WhatsApp, Inc.*,
Case No 2:21-cv-00029-JRG-RSP (E.D. Tex.)

Counsel:

In accordance with the parties' agreements during the August 12, 2021 conference call with the Court regarding venue discovery, we write to follow up on the scope of AGIS's August 9, 2021 venue discovery requests. As ordered by the Court, this writing is intended to clarify and narrow the scope of AGIS's August 9, 2021 venue discovery requests.

AGIS expects WhatsApp will produce, on a timely basis, documents and things from at least the categories set forth below, whether electronically stored or otherwise, that are in the possession, custody, or control of WhatsApp and its affiliates. By identifying the following exemplary categories of documents for production, AGIS does not waive any right under the Federal Rules of Civil Procedure and/or the Eastern District of Texas Local Rules and/or Patent Rules, or any other applicable rules. AGIS reserves the right to seek additional discovery including, but not limited to, third-party discovery, based on the information produced responsive to AGIS's venue discovery requests.

As per the parties' agreement, AGIS seeks discovery on each category below based on the temporal scope of 2017 to present and the geographical scope of all counties within the Eastern District of Texas and all counties adjacent to the Eastern District of Texas ("EDTX"). This agreement was made with the understanding that Defendant will not exclude from discovery any information from third parties solely based on their purported residence outside of the District. For example, Defendant will not exclude discovery on physical locations of or agreements with data center, server, or colocation providers (e.g., Kansas-based QTS with locations within and adjacent to EDTX) or coworking or shared office space providers (e.g., New York-based WeWork with locations within and adjacent to EDTX) solely because the providers' principal place of business is outside of the agreed geographical scope. These examples are not intended to be limiting in any form.

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AGIS hereby requests that WhatsApp produce:

- (1) Documents sufficient to identify all physical property, offices, facilities, coworking spaces, warehouses, tangible and intangible property, equipment, servers, data centers, and other physical locations located in the EDTX and the counties adjacent to the EDTX, that are leased, owned, or otherwise used by WhatsApp, any affiliate of WhatsApp, or any employees, consultants, or any personnel of WhatsApp.
- (2) All agreements, leases, contracts, and any legal rights for all physical property, offices, facilities, coworking spaces, warehouses, tangible and intangible property, equipment, servers, data centers, other physical locations, communications services, utility services, and all vendor services located or performed in the EDTX and the counties adjacent to the EDTX;
- (3) Documents sufficient to identify employees, officers, directors, contractors, vendors, agents, and third parties of WhatsApp and its affiliate, including, but not limited to, all Person(s) that reside or work in the EDTX and in the counties adjacent to the EDTX. Plaintiff agrees that Defendant does not need to provide the full home address. Plaintiff requests that, for each individual, Defendant provide at least: the individual's title, organization, and responsibilities; the city and county of residence of the individual; the full addresses of any office locations; any agreements to reimburse or otherwise provide payment for office space, equipment, utilities, and services; and any agreements and conditions of individual's employment.
- (4) All agreements, contracts, and documents related to all business, services, transactions, and work delivered or performed for any customers, by or on behalf of WhatsApp and its affiliates, in the EDTX and in the counties adjacent to the EDTX.

Further, AGIS maintains its request that WhatsApp identify and produce for deposition one or more witnesses knowledgeable to testify regarding the venue discovery sought in this correspondence and in AGIS's Interrogatories Nos. 10-13, served concurrently with this correspondence.

Sincerely,

/s/ Vincent J. Rubino, III

Vincent J. Rubino, III