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

AGIS SOFTWARE DEVELOPMENT LLC,	§ § §	Case No. 2:21-cv-00072-JRG (LEAD CASE)
Plaintiff,	§ §	
	§	**JURY TRIAL DEMANDED**
v.	§ §	▬▬▬▬▬▬▬▬
T-MOBILE USA, INC. and T-MOBILE US, INC.,	§ § §	
	§	
Defendants.	§	
AGIS SOFTWARE DEVELOPMENT LLC,	§ § §	Case No. 2:21-cv-00026-JRG (MEMBER CASE)
Plaintiff,	§ §	
	§	**JURY TRIAL DEMANDED**
v.	§ §	▬▬▬▬▬▬▬▬
UBER TECHNOLOGIES, INC., d/b/a UBER,	§ § §	
Defendant.	§	

**PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S RESPONSE
IN OPPOSITION TO DEFENDANT UBER TECHNOLOGIES, INC.,
D/B/A UBER'S OPPOSED MOTION TO COMPEL AND
RENEWED MOTION TO STAY (DKT. 117)**

TABLE OF CONTENTS

Page(s)

TABLE OF AUTHORITIES

Page(s)

Cases

Plaintiff AGIS Software Development LLC ("AGIS" or "Plaintiff"), by and through its undersigned counsel, hereby submits this response in opposition to Defendant Uber Technologies, Inc., d/b/a Uber's ("Uber" or "Defendant") Opposed Motion to Compel and Renewed Motion to Stay (Dkt. 117) (the "Motion").

I.   INTRODUCTION

Defendant asks this Court to compel AGIS to produce documents related to its motion to stay and renews its motion to stay. As a preliminary matter, the parties are not at an impasse regarding ongoing discovery and Defendant's Motion is unnecessary and premature. AGIS has produced documents and supplemented its interrogatory response in accordance with Defendant's requests and continues to conduct discovery related to this matter. Moreover, AGIS maintains that Defendant's arguments regarding standing are unfounded.

Second, this Court has already denied Defendant's motion to stay until "resolution of an alleged standing issue." Dkt. 85 at 3. As the Court noted in its order, "there are still two other patents asserted against Uber as well as several other defendants with other patents issued against them." *Id.* These circumstances have not changed such that Defendant's renewed motion is warranted and no additional facts affect the Court's decision at this point.

Accordingly, AGIS respectfully requests that the Court deny Defendant's Motion to Compel and Renewed Motion to Stay.

II.   LEGAL STANDARD

A.   Motion to Compel

The rules of discovery are "accorded a broad and liberal application to affect their purpose of adequately informing litigants in civil trials." *GeoTag, Inc. v. Frontier Commn's Corp.*, No. 2:10-cv-265-JRG, 2013 WL 12141427, at *1 (E.D. Tex. June 26, 2013) (citing *Herbert v. Lando*,

441 U.S. 153, 176 (1979)). "A district court has broad discretion in all discovery matters." *Id.* (citing *Beattie v. Madison County Sch. Dist.*, 254 F.3d 595, 606 (5th Cir. 2001)).

In this Court, "a request for court intervention is not appropriate until the participants have met and conferred, in good faith, and concluded, in good faith, that the discussions have conclusively ended in an impasse, leaving an open issue for the court to resolve." Local Rule CV-7(h). "Good faith requires honesty in one's purpose to discuss meaningfully the dispute, freedom from intention to defraud or abuse the discovery process and faithfulness to one's obligation to secure information without court intervention." *Id.* In addition, this Court requires that any discovery-related motion be preceded by a joint report "of no more than 2 pages" which "shall be filed by the earlier of 48 hours following that meeting or 24 hours before said hearing." Standing Order Regarding "Meet and Confer" Obligations Relating to Discovery Disputes.

B.   Motion to Stay

"The district court has the inherent power to control its own docket, including the power to stay proceedings." *Soverain Software LLC v. Amazon.com, Inc.,* 356 F. Supp. 2d 660, 662 (E.D. Tex. 2005) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)); *see Team Worldwide Corp. v. Wal-Mart Stores, Inc.*, No. 2:17-cv-000235-JRG, 2018 WL 2722051, at *2 (E.D. Tex. June 6, 2018) (citing *Clinton v. Jones*, 520 U.S. 681, 706 (1997)) ("Absent some overwhelming legal requirement or showing of manifest injustice, this Court will not intervene in a district court's management of its calendar or scheduling of events in a matter before that court."). Management of the court's docket requires "the exercise of judgment, which must weigh competing interests and maintain an even balance." *Landis*, 299 U.S. at 254-55.

Courts typically consider three things when deciding whether to stay litigation: "'(1) whether a stay will unduly prejudice or present a clear tactical disadvantage to the non-moving party; (2) whether a stay will simplify issues in question and trial of the case; and

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