

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

AGIS SOFTWARE DEVELOPMENT
LLC,

Plaintiff,

v.

T-MOBILE USA, INC. and T-MOBILE
US, INC.,

Defendants.

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Case No. 2:21-cv-00072-JRG-RSP
LEAD CASE

ORDER

Before the Court is the Joint Motion for Leave to Increase Page Limits for Claim Construction Briefing (“Motion”) filed by Plaintiff AGIS Software Development LLC (“Plaintiff”) and Defendants TMobile USA, Inc. T-Mobile US, Inc., Lyft, Inc., Uber Technologies, Inc. d/b/a/ Uber, and WhatsApp LLC¹ (collectively “Defendants”) (collectively, the “Parties”). **Dkt. No. 138.** The Parties’ Motion seeks to double the briefing regarding claim construction by increasing the page limit of Plaintiff’s opening brief from thirty pages to sixty pages, Defendants’ responsive brief from thirty pages to sixty pages, and Plaintiff’s reply brief from ten pages to twenty pages. The Parties assert that the page limit increase is warranted in view of the number of parties, patents, terms in dispute, and complexity of legal issues in the claim construction disputes.

The Joint P.R. 4-3 Claim Construction and Prehearing Statement indicates that there are nine patents with terms in dispute. Dkt. No. 124 at 1–2. The attached exhibits indicate that there are sixteen terms in dispute with respect to Defendants T-Mobile USA, Inc., T-Mobile US, Inc.,

¹ The Parties’ Motion, which is signed by counsel for Plaintiff, indicates that WhatsApp, Inc. is incorrectly named in the First Amended Complaint (Dkt. No. 47) and that the entity is WhatsApp LLC. Dkt. No. 138 at 1.

and WhatsApp LLC, and twenty-eight terms in dispute with respect to Defendants Uber Technologies Inc., d/b/a Uber and Lyft, Inc. Importantly, although the consolidated defendants have to share the briefing limits, the same patents are not asserted against both groups. Nonetheless, the parties have not shown a need to double the length of the briefs. Accordingly,

IT IS ORDERED that the page limit for Plaintiff's opening brief is increased to forty-five pages, the page limit for Defendants' response brief is increased to forty-five pages, and the page limit for Plaintiff's sur-reply is increased to fifteen pages.

SIGNED this 3rd day of September, 2021.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE