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

AGIS SOFTWARE DEVELOPMENT LLC, Plaintiff,	 § Case No. 2:21-cv-00072-JRG § (LEAD CASE) §
V.	§ JURY TRIAL DEMANDED § 8
T-MOBILE USA, INC. and T-MOBILE US, INC.,	\$ \$ \$ 8
Defendant.	\$ \$ \$
AGIS SOFTWARE DEVELOPMENT LLC,	 § Case No. 2:21-cv-00029-JRG § (MEMBER CASE) §
Plaintiff, v.	§ <u>JURY TRIAL DEMANDED</u> § 8
WHATSAPP, INC.,	\$ \$ \$ \$
Defendant.	8 § §

MOTION TO DISMISS PURSUANT TO RULE 41(a)(2)

Plaintiff AGIS Software Development LLC ("AGIS") and Defendant WhatsApp LLC¹ ("WhatsApp" or "Defendant") have settled their respective claims for relief asserted in this litigation. Accordingly, the Parties respectfully request that all claims for relief asserted against Defendant by Plaintiff herein are dismissed, with prejudice; and, the Parties further request that all attorneys' fees, costs of court and expenses be borne by each Party incurring the same.

WHEREFORE, the parties respectfully request that the Court enter the proposed Order submitted with this motion as set forth above.

¹ WhatsApp, Inc. is incorrectly named in the Complaint.



Dated: September 30, 2021 Respectfully submitted

/s/ Alfred R. Fabricant

Alfred R. Fabricant NY Bar No. 2219392

Email: ffabricant@fabricantllp.com

Peter Lambrianakos NY Bar No. 2894392

Email: plambrianakos@fabricantllp.com

Vincent J. Rubino, III NY Bar No. 4557435

Email: vrubino@fabricantllp.com

Enrique W. Iturralde NY Bar No. 5526280

Email: eiturralde@fabricantllp.com

FABRICANT LLP

411 Theodore Fremd Avenue, Suite 206 South

Rye, New York 10580 Telephone: (212) 257-5797 Facsimile: (212) 257-5796

Samuel F. Baxter

State Bar No. 01938000

Email: sbaxter@mckoolsmith.com

Jennifer L. Truelove State Bar No. 24012906

Email: jtruelove@mckoolsmith.com

MCKOOL SMITH, P.C.

104 E. Houston Street, Suite 300

Marshall, Texas 75670 Telephone: (903) 923-9000 Facsimile: (903) 923-9099

ATTORNEYS FOR PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC

/s/ Lisa K. Nguyen (with permission)

Michael E. Jones

Texas State Bar No. 10929400

Email: mikejones@potterminton.com

Patrick C. Clutter

Texas State Bar No. 24036374

Email: patrickclutter@potterminton.com

POTTER MINTON, PC



10 North College, Suite 500

Tyler, Texas 75702

Telephone: (903) 597-8311 Facsimile: (903) 593-0846

Lisa K. Nguyen

Email: lisa.nguyen@lw.com

Richard G. Frenkel

Email: rick.frenkel@lw.com

Clara Wang

Email: clara.wang@lw.com

Miriam G. Cabello

Email: mia.cabello@lw.com

LATHAM & WATKINS LLP

140 Scott Drive

Menlo Park, California 94025-1008

Telephone: (650) 328-4600 Facsimile: (650) 463-2600

Alan M. Billharz

Email: alan.billharz@lw.com

Tiffany C. Weston

Email: tiffany.weston@lw.com LATHAM & WATKINS LLP

555 Eleventh Street, NW, Suite 1000

Washington, D.C. 2000-1304 Telephone: (202) 637-2200

Facsimile: (202) 637-2201

ATTORNEYS FOR DEFENDANT WHATSAPP LLC



CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on September 30, 2021, 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/ Alfred R. Fabricant
Alfred R. Fabricant

CERTIFICATE OF CONFERENCE

I hereby certify that the Parties have met and conferred regarding the foregoing Motion, pursuant to Local Rule CV-7(h). The Parties are in agreement as to the relief sought in the motion.

/s/ Alfred R. Fabricant
Alfred R. Fabricant

