

**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.

§
§
§
§
§
§
§
§
§
§
§

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

JURY TRIAL DEMANDED

JOINT NOTICE OF STIPULATION AND MOTION TO DISMISS WITH PREJUDICE

Pursuant to the Federal Rules of Civil Procedure, Plaintiff AGIS Software Development LLC (“AGIS”), Defendants T-Mobile USA, Inc. and T-Mobile US, Inc. (collectively “T-Mobile”), and Third-Party Intervenors Smith Micro Software, Inc. and Smith Micro Software, LLC (collectively, “Smith Micro”), represented by their attorneys, hereby stipulate, agree and jointly move as follows:

1. AGIS and Smith Micro have reached a settlement agreement resolving certain claims and causes of action in the above-captioned case and all claims and causes of action in *Smith Micro Software, Inc. v. AGIS Software Dev. LLC*, No. 5:21-cv-03677 (N.D. Cal.).

2. In the above-captioned case, AGIS withdraws and dismisses, with prejudice, all portions of the claims and causes of actions asserted in the Complaint by AGIS against T-Mobile only with respect to T-Mobile’s FamilyMode and FamilyWhere products and services.

3. Smith Micro withdraws its pending Motion to Intervene and Motion to Stay (Dkt. 114).

4. Each of the Parties to this Joint Motion is to bear its own costs and fees, including attorneys’ fees.

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

So agreed and stipulated.

Dated: October 26, 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

FABRICANT LLP

411 Theodore Fremd Ave., Suite 206 South

Rye, New York 10580

Telephone: (212) 257-5797

Facsimile: (212) 257-5796

Justin Kurt Truelove

Texas Bar No. 24013653

Email: kurt@truelovelawfirm.com

TRUELOVE LAW FIRM, PLLC

100 West Houston Street

Marshall, Texas 75670

Telephone: (903) 938-8321

Facsimile: (903) 215-8510

***ATTORNEYS FOR PLAINTIFF AGIS
SOFTWARE DEVELOPMENT LLC***

/s/ Robert W. Dickerson (with permission)

Melissa R. Smith

State Bar No. 24001351

Email: melissa@gillamsmithlaw.com

GILLAM & SMITH, LLP

303 South Washington Avenue

Marshall, Texas 75670

Telephone: (903) 934-8450

Facsimile: (903) 934-9257

Miguel Bombach
Email: MBombach@perkinscoie.com
PERKINS COIE LLP
11452 El Camino Real, Suite 300
San Diego, CA 92130-2080
Phone: (858) 720-5747
Facsimile: (858) 720-5847

Ryan J. McBrayer, WSBA No. 28338
Email: RMcBrayer@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101
Phone: (206) 359-8000
Fax: (206) 359-9000

***ATTORNEYS FOR DEFENDANTS
T-MOBILE USA, INC. and T-MOBILE US, INC.***

/s/ Robert W. Dickerson (with permission) _____

Robert W. Dickerson, Jr.
(Admitted *Pro Hac Vice*)
E-mail: rdickerson@bwsllaw.com
BURKE, WILLIAMS & SORENSEN, LLP
444 South Flower Street, Suite 2400
Los Angeles, CA 90071-2953
Tel: 213-236-0600
Fax: 213-236-2700

Melissa R. Smith
State Bar No. 24001351
Email: melissa@gillamsmithlaw.com
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

***ATTORNEYS FOR T-MOBILE USA, INC. and
T-MOBILE US, INC. AND THIRD-PARTIES
SMITH MICRO SOFTWARE, INC. AND
SMITH MICRO SOFTWARE, LLC***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 26, 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

The undersigned hereby certifies that all counsel of record have met and conferred in accordance with Local Rule CV-7(h) and this Joint Notice of Stipulation and Joint Motion is unopposed.

/s/ Alfred R. Fabricant
Alfred R. Fabricant