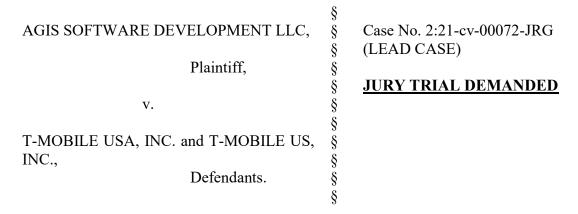
IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION



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

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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

