

**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
Plaintiff,	§	(LEAD CASE)
	§	
v.	§	<u>JURY TRIAL DEMANDED</u>
	§	
T-MOBILE USA, INC. and T-MOBILE US,	§	
INC.,	§	
	§	
Defendants.	§	
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AGIS SOFTWARE DEVELOPMENT LLC,	§	Case No. 2:21-cv-00024-JRG
	§	(MEMBER CASE)
Plaintiff,	§	
	§	<u>JURY TRIAL DEMANDED</u>
v.	§	
	§	
LYFT, INC.,	§	
	§	
Defendant.	§	

**PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S
MOTION FOR LEAVE TO FILE MOTION FOR SUMMARY
JUDGMENT OF NO INVALIDITY**

Pursuant to Local Rule CV-7(k), Plaintiff AGIS Software Development LLC (“AGIS”) hereby moves for leave to file a Partial Motion for Summary Judgment of No Invalidity Over FBCB2.

On December 14, 2021, the Court entered the Sixth Amended Docket Control Order, ordering that the parties were required to file dispositive motions on December 13, 2021 and motions to strike expert testimony and *Daubert* motions on December 31, 2021. *See* Dkt. 257.

Uber offered Dr. Neil Siegel for deposition on December 15, 2021. AGIS confirmed that it would take the deposition of Dr. Siegel on December 15, 2021. Accordingly, AGIS was unable to file its Partial Motion for Summary Judgment of No Invalidity Over FBCB2 without the deposition testimony of Dr. Siegel, which is cited throughout the motion.

In view of the foregoing, AGIS respectfully seeks leave from this Court to file its Partial Motion for Summary Judgment of No Invalidity Over FBCB2 and supporting exhibits.

Dated: December 20, 2021

Respectfully submitted,

/s/ Vincent J. Rubino, III

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

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel of record for Plaintiff AGIS Software Development LLC, Jennifer Truelove, conferred with counsel of record for Defendant Uber Technologies, Inc., d/b/a Uber, on December 19, 2021, and counsel for Defendant has advised that it is opposed to this motion.

/s/ Vincent J. Rubino, III
Vincent J. Rubino, III

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2021, a true and correct copy of the above and foregoing document has been served by email on all counsel of record.

/s/ Vincent J. Rubino, III
Vincent J. Rubino, III