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

AGIS SOFTWARE DEVELOPMENT LLC,	§ §	
Plaintiff,	§	
V.	§	Case No. 2:21-cv-00072-JRG-RSP
	§	(LEAD CASE)
T-MOBILE USA, INC. and T-MOBILE	§	
US, INC.,	§	
	§	
UBER TECHNOLOGIES, INC., d/b/a	§	Case No. 2:21-cv-00026-JRG-RSP
UBER,	§	(MEMBER CASE)
Defendants.	§	(MEMBER CASE)

## **ORDER**

Before the Court are seven motions:

- Motion to Compel and Renewed Motion to Stay ("Uber's First Motion to Compel") filed by Uber Technologies, Inc., d/b/a Uber (Dkt. No. 117);
- Motion to Compel Responses to Interrogatory Nos. 11 and 12 ("Uber's Second Motion to Compel") filed by Uber (Dkt. No. 193);
- Motion to Compel Additional Deposition Time for Malcom Beyer Jr. filed by Uber ("Uber's Third Motion to Compel") (Dkt. No. 194);
- Motion to Compel Prior Litigation Documents filed by Uber ("Uber's Fourth Motion to Compel") (Dkt. No. 196);
- Motion to Compel Uber to Provide Discovery filed by AGIS Software Development LLC (Dkt. No. 200);
- Motion for Leave to File Motion for Summary Judgment of No Invalidity filed by AGIS (Dkt. No. 262); and
- Motion for Partial Summary Judgment of No Invalidity Over the FBCB2 System filed by AGIS (Dkt. No. 263).

## I. Motions to Compel

Beginning with Uber's First Motion to Compel, the Court **DENIES** this motion (Dkt. No. 117). AGIS has supplemented its response to Uber's interrogatory thereby satisfying its discovery obligations. Additionally, because there is no discovery issue, Uber's renewed request for a stay is denied.



Next, the Court **DENIES** Uber's Second Motion to Compel (Dkt. No. 193). The Court finds that Uber's Interrogatory Nos. 11 and 12 are overly broad.

Next, the Court **DENIES** Uber's Third Motion to Compel (Dkt. No. 194). Based on the briefing, Uber has failed to demonstrate good cause for an additional five hours of deposition time, especially given that Uber has already deposed Mr. Beyer for a total of ten hours.

Next, the Court **DENIES** Uber's Fourth Motion to Compel (Dkt. No. 196). The Court finds that AGIS's production of documents within its possession, custody, or control satisfies its discovery obligations.

Finally, the Court **DENIES** AGIS's Motion to Compel Uber to Provide Discovery (Dkt. No. 200). In its motion, AGIS seeks foreign ride information that is routed through servers in the United States. This foreign ride information is not relevant to AGIS's claims of infringement because a process cannot infringe a method patent "unless each of the steps is performed within [the United States]." NTP, Inc. v. Rsch. In Motion, Ltd, 418 F.3d 1282, 1318 (Fed. Cir. 2005). Thus, AGIS has failed to demonstrate that the requested information is relevant to its claims of infringement, and therefore the Court denies the motion.

## II. Motion for Leave and Motion for Partial Summary Judgment

The Court **DENIES** AGIS' Motion for Leave (Dkt. No. 262) because AGIS has failed to demonstrate good cause. Therefore, AGIS's Motion for Partial Summary Judgment (Dkt. No. 263) is untimely and the Court **DENIES** that motion as well.

SIGNED this 4th day of January, 2022.

UNITED STATES MAGISTRATE JUDGE

