

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

AGIS SOFTWARE DEVELOPMENT	§	
LLC,	§	
<i>Plaintiff,</i>	§	
v.	§	Case No. 2:21-cv-00072-JRG-RSP
	§	(LEAD CASE)
	§	
T-MOBILE USA, INC. and T-MOBILE	§	
US, INC.,	§	
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LYFT, INC.,	§	Case No. 2:21-cv-00024-JRG-RSP
<i>Defendants.</i>	§	(MEMBER CASE)
	§	
	§	

ORDER

Before the Court are four motions. Lyft has filed: the Motion for Extension of Time to File Bill of Costs and Motion for Fees (“First Motion”), **Dkt. No. 356**, the Motion for Further Extension of Time to File Bill of Costs and Motion for Fees (“Second Motion”), **Dkt. No. 363**, and the Unopposed Motion to Withdraw its Motions for Extension of Time (Dkt. Nos. 356 and 363) (“Motion to Withdraw”). **Dkt. No. 365**. Additionally, before the Court is the Joint Motion for Extension of Time to File Bill of Costs and Motion for Fees (“Joint Motion”) filed by Plaintiff AGIS Software Development LLC and Lyft. **Dkt. No. 364**.

After due consideration, the Court **GRANTS** the Motion to Withdraw (Dkt. No. 365). It is therefore **ORDERED** that the First Motion (Dkt. No. 356) and the Second Motion (Dkt. No. 363) are hereby withdrawn.

Turning to the Joint Motion, the parties move the Court “to extend the deadline for Lyft to file any motion for costs and fees in this case until thirty days after the resolution of the *Lyft, Inc. v. AGIS Software Development LLC*, Case No. 3:21-cv-04653, pending in the Northern District of California (‘NDCA case’).” Dkt. No. 364 at 1.

After due consideration, the Court **GRANTS-IN-PART** the Joint Motion. Because this Court did not transfer this case to the Northern District of California and the parties offer no clear explanation as to why the Court should base an extension on a case pending in another district, the Court declines to base any extension on the NDCA case. However, the Court will grant an extension of thirty days. It is therefore **ORDERED** that Lyft has to March 25, 2022 to file a motion for costs and/or fees. After March 25, Lyft will need to show exceptional circumstances for its failure to timely file a motion.

SIGNED this 25th day of February, 2022.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE