

Exhibit 2



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August 20, 2021

VIA EMAIL (BETHANY.SALPIETRA@BAKERBOTTSCOM)

Bethany Salpietra, Esq.
Baker Botts LLP
2001 Ross Avenue
Dallas, Texas 75201

Re: *AGIS Software Development LLC v. Lyft, Inc.*
Case No. 2:21-cv-00024-JRG-RSP (E.D. Tex.)

Counsel:

I write on behalf of Plaintiff AGIS Software Development LLC (“AGIS” or “Plaintiff”) regarding the production of documents and things by Lyft, Inc. (“Lyft”) in the referenced case. As we have stated in past correspondence, the Discovery Order requires production of all relevant documents and things without request (Dkt. No. 79, ¶ 3), and Local Rule CV-26(d) provides guidance on whether a particular piece of information is “relevant to any party’s claim or defense,” including information that:

- (1) would not support the disclosing parties’ contentions;
- (2) includes those persons who, if their potential testimony were known, might reasonably be expected to be deposed or called as a witness by any of the parties;
- (3) is likely to have an influence on or affect the outcome of a claim or defense;
- (4) deserves to be considered in the preparation, evaluation, or trial of a claim or defense;
and
- (5) reasonable and competent counsel would consider reasonably necessary to prepare, evaluate, or try a claim or defense.

In this case, Lyft’s defense includes an allegation of improper venue, and the parties have completed briefing on Lyft’s motion to dismiss for improper venue. Dkt. 30. In spite of the parties’ extensive briefing of their positions relative to Lyft’s venue defense and Plaintiff’s request during briefing for discovery on a number of issues related to Lyft’s venue defense, Lyft has produced no documents or witnesses on the issues related to the defense of improper venue and AGIS’s opposition.

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In view of the Court's Order (Dkt. 125), AGIS provides this correspondence and accompanying interrogatories listing the venue discovery expected and sought by AGIS. AGIS expects Lyft will produce, on a timely basis, documents, and things from at least the categories set forth below, whether electronically stored or otherwise, that are in the possession, custody, or control of Lyft and its affiliates. By identifying the following exemplary categories of documents for production, AGIS does not waive any right under the Federal Rules of Civil Procedure and/or the Eastern District of Texas Local Rules and/or Patent Rules, or any other applicable rules. Unless otherwise noted, each category below encompasses all time periods relevant to this case, including from such time that the Lyft Accused Products were in the development phase through the present. AGIS reserves the right to seek additional discovery including, but not limited to, third-party discovery, based on the information produced responsive to AGIS's venue discovery requests.

AGIS hereby requests that Lyft produce:

- (1) Documents sufficient to identify and describe in detail all physical property, offices, facilities, coworking spaces, warehouses, tangible and intangible property, equipment, servers, data centers, and other physical locations located in the EDTX and the counties adjacent to the EDTX, that are leased, owned, or otherwise used by Lyft, any affiliate of Lyft, or any employees, consultants, or personnel of Lyft.
- (2) All agreements, leases, contracts, and any legal rights for all physical property, offices, facilities, coworking spaces, warehouses, tangible and intangible property, equipment, servers, data centers, other physical locations, communications services, utility services, and all vendor services located or performed in the EDTX and the counties adjacent to the EDTX.
- (3) Documents sufficient to identify and describe, in detail, all employees, officers, directors, contractors, vendors, agents, and third parties of Lyft and its affiliates including, but not limited to, all Person(s) that reside in or work in the EDTX and in the counties adjacent to the EDTX including, but not limited to, employment agreements with Lyft drivers which detail, for example, conditions of Lyft vehicles, driver requirements, terms and services, and driver addendums entered by each Lyft driver.
- (4) All agreements, contracts, and documents related to all business, services, transactions, and work delivered or performed for any customers by or on behalf of Lyft and its affiliates, in the EDTX and in the counties adjacent to the EDTX.
- (5) Documents sufficient to identify and describe, in detail, any physical property marked with Lyft signage that is leased, owned, or otherwise used by Lyft, Lyft drivers, and Lyft vehicles; any Lyft Express Drive locations including, but not limited to, the Lyft Express

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Drive locations in Plano, Texas; and any “Lyft Zones” including, but not limited to, the Denton County Transportation Authority “Lyft Zones” located in at least Denton, Frisco, and McKinney counties.

Further, AGIS requests that Lyft identify and produce for deposition one or more witnesses knowledgeable to testify regarding the venue discovery sought in this correspondence and in AGIS’s Interrogatory Nos. 10-14, served concurrently with this correspondence. AGIS requests Lyft’s confirmation that Lyft will produce the above-requested documents and provide complete responses to Interrogatory Nos. 10-14 by August 27, 2021 and provide deposition availability for all venue discovery witnesses by September 3, 2021. To the extent Lyft is unable to provide these confirmations, we request your availability to meet and confer to determine a venue discovery schedule and to discuss the schedule’s impact on the Court’s evidentiary hearing regarding Lyft’s motion to dismiss.

The above list is non-exhaustive, and the failure to identify any particular category of documents in this letter is not a waiver of AGIS’s right to the discovery of any relevant information.

Sincerely,

/s/ Vincent J. Rubino, III

Vincent J. Rubino, III