

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

AGIS SOFTWARE DEVELOPMENT LLC,  v.  T-MOBILE, USA, INC., AND T-MOBILE US, INC.	CASE NO. 2:21-cv-00072-JRG (Lead Case)
AGIS SOFTWARE DEVELOPMENT LLC,  v.  LYFT, INC.	CASE NO. 2:21-cv-00024-JRG (Member Case)
AGIS SOFTWARE DEVELOPMENT LLC,  v.  UBER TECHNOLOGIES, INC. d/b/a UBER.	CASE NO. 2:21-cv-00026-JRG (Member Case)
AGIS SOFTWARE DEVELOPMENT LLC,  v.  WHATSAPP, INC.	CASE NO. 2:21-cv-00029-JRG (Member Case)

**JOINT MOTION FOR EXTENSION OF  
DEADLINE TO FILE PROPOSED DOCKET CONTROL ORDER  
AND DISCOVERY ORDER**

The parties jointly request that their deadline to file a Proposed Docket Control Order and a Proposed Discovery Order to be extended to June 1, 2021. The parties have exchanged drafts of a proposed docket control order and proposed discover order and are agreed on most issues. They

request this extension to allow additional time to resolve the remaining outstanding issues that require further discussion.

Dated: May 26, 2021

/s/ Vincent J. Rubino, III

Alfred R. Fabricant  
NY Bar No. 2219392  
Email: [ffabricant@fabricantllp.com](mailto:ffabricant@fabricantllp.com)  
Peter Lambrianakos  
NY Bar No. 2894392  
Email: [plambrianakos@fabricantllp.com](mailto:plambrianakos@fabricantllp.com)

Vincent J. Rubino, III  
NY Bar No. 4557435  
Email: [vrubino@fabricantllp.com](mailto:vrubino@fabricantllp.com)  
**FABRICANT LLP**  
411 Theodore Fremd Road, Suite 206 South  
Rye, New York 10580  
Telephone: (212) 257-5797  
Facsimile: (212) 257-5796

Samuel F. Baxter  
Texas State Bar No. 01938000  
Email: [sbaxter@mckoolsmith.com](mailto:sbaxter@mckoolsmith.com)  
Jennifer L. Truelove  
Texas State Bar No. 24012906  
Email: [jtruelove@mckoolsmith.com](mailto:jtruelove@mckoolsmith.com)  
**MCKOOL SMITH, P.C.**  
104 e. Houston Street, Suite 300  
Marshall, Texas 75670  
Telephone: (903) 923-9000  
Facsimile: (903) 923-9099

*Attorneys for Plaintiff*  
**AGIS SOFTWARE DEVELOPMENT LLC**

Respectfully submitted,

/s/ Melissa R. Smith

Melissa R. Smith  
State Bar No. 24001351  
GILLAM & SMITH, LLP  
303 South Washington Avenue  
Marshall, Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
Email: [melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)

Mark N. Reiter  
Texas State Bar No. 16759900  
[mreiter@gibsondunn.com](mailto:mreiter@gibsondunn.com)  
Robert A. Vincent  
Texas State Bar No. 24056474  
[rvincent@gibsondunn.com](mailto:rvincent@gibsondunn.com)  
Nathan R. Curtis  
Texas State Bar No. 24078390  
[ncurtis@gibsondunn.com](mailto:ncurtis@gibsondunn.com)  
Ashbey N. Morgan  
Texas State Bar No. 24106339  
[anmorgan@gibsondunn.com](mailto:anmorgan@gibsondunn.com)  
**GIBSON, DUNN & CRUTCHER LLP**  
2001 Ross Avenue, Suite 2100  
Dallas, TX 75201-6912  
Telephone: 214.698.3360  
Facsimile: 214.571.2907

*Attorneys for Defendant Uber Technologies,  
Inc. d/b/a Uber*

/s/ Melissa R. Smith

Ryan J. McBrayer, WSBA No. 28338  
[RMcBrayer@perkinscoie.com](mailto:RMcBrayer@perkinscoie.com)  
PERKINS COIE LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101  
Phone: (206) 359-8000  
Fax: (206) 359-9000

Melissa R. Smith  
State Bar No. 24001351  
GILLAM & SMITH, LLP  
303 South Washington Avenue  
Marshall, Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
Email: [melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)

*Counsel for Defendants T-Mobile USA, Inc.  
and T-Mobile US, Inc.*

/s/ Lisa K. Nguyen

Michael E. Jones  
SBN: 10929400  
Patrick C. Clutter  
SBN: 24036374  
POTTER MINTON, PC  
110 North College, Suite 500  
Tyler, Texas 75702  
Tel: 903-597-8311  
Fax: 903-593-0846  
[mikejones@potterminton.com](mailto:mikejones@potterminton.com)  
[patrickclutter@potterminton.com](mailto:patrickclutter@potterminton.com)

Lisa K. Nguyen  
Richard G. Frenkel  
Clara Wang  
LATHAM & WATKINS LLP  
140 Scott Drive  
Menlo Park, CA 94025-1008  
Tel: (650) 328-4600 / Fax: (650) 463-2600  
[lisa.nguyen@lw.com](mailto:lisa.nguyen@lw.com)  
[rick.frenkel@lw.com](mailto:rick.frenkel@lw.com)  
[clara.wang@lw.com](mailto:clara.wang@lw.com)

Tiffany C. Weston  
LATHAM & WATKINS LLP  
555 Eleventh Street, NW  
Suite 1000  
Washington, DC 20004  
Tel: (202) 637-2200 / Fax: (202) 637-2201  
[tiffany.weston@lw.com](mailto:tiffany.weston@lw.com)

*Attorneys for Defendant WhatsApp LLC*

/s/ Bethany R. Salpietra

Jeremy Taylor Baker Botts L.L.P.  
jeremy.taylor@bakerbotts.com  
101 California St., Suite 3600  
San Francisco, CA 94111  
Telephone: (415) 291-6200  
Facsimile: (415) 291-6300

Bethany R. Salpietra  
Baker Botts L.L.P.  
bethany.salpietra@bakerbotts.com  
2001 Ross Ave., Ste. 900 Dallas, TX 75201  
Telephone: (214) 953-6500  
Facsimile: (214) 953-6503

Deron R. Dacus  
The Dacus Firm, P.C.  
ddacus@dacusfirm.com  
821 ESE Loop 323, Suite 430  
Tyler, Texas 75701  
Telephone: (903) 705-1117  
Facsimile: (903) 581-2543

*Attorneys for Defendant Lyft, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 26<sup>th</sup> day of May, 2021.

/s/ Melissa R. Smith  
Melissa R. Smith

**CERTIFICATE OF CONFERENCE**

I hereby certify that Defendants have met and conferred with Plaintiff regarding this Motion via electronic mail on May 26, 2021. Plaintiff has indicated that it does not oppose this Motion.

/s/ Melissa R. Smith  
Melissa R. Smith