



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

AGIS SOFTWARE DEVELOPMENT LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Defendant.

CIVIL ACTION NO. 2:22-cv-263-JRG



**JURY TRIAL DEMANDED**

**SAMSUNG'S MOTION TO SEVER AND TRANSFER  
TO THE NORTHERN DISTRICT OF CALIFORNIA CLAIMS  
AGAINST GOOGLE FIND MY DEVICE**

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Samsung respectfully requests that the Court sever AGIS's recently added allegations against Google's Find My Device ("FMD") software and transfer them to the Northern District of California ("NDCA"). Severance is appropriate because FMD, which is developed by third-party Google, is unrelated to the U.S. government and Samsung software that AGIS has been accusing from the start of this case. Transfer is appropriate because the NDCA is clearly more convenient and is already handling three pending AGIS cases where FMD is accused on the same or related patents.<sup>1</sup> Two of those cases are pending in the NDCA precisely because the Federal Circuit held that the NDCA was clearly more convenient and ordered the cases to be transferred there, after they were originally filed in this Court four years ago. *In re Google LLC*, No. 2022-140-42, 2022 WL 1613192, at \*1 (Fed. Cir. May 23, 2022) ("*Google I*"). Disregarding the Federal Circuit's decision, AGIS has now decided to accuse Samsung and FMD again in this District.

This District routinely severs and transfers claims against third-party functionality where, as here, it is also accused in another action and venue with overlapping infringement claims. Thus, severance is appropriate because FMD is already at issue in the three pending NDCA actions, two of which name Google (FMD's supplier and developer) as a party and accused infringer.

With respect to transfer, it is compelled here by the Federal Circuit's *Google I* decision, which found that the NDCA "is clearly the more convenient forum" for resolving AGIS's claims against FMD. 2022 WL 1613192, at \*3. The transfer factors now only further transfer. As was true when *AGIS I* was filed, witnesses knowledgeable about FMD include Google employees in the NDCA. While more recent FMD development has taken place at Google's foreign offices, key Google employees who have worked on FMD are in the NDCA, including product managers

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<sup>1</sup> *AGIS Software Dev. LLC v. Samsung Elecs. Co.*, No. 5:22-cv-04825-BLF; *AGIS Software Dev. LLC v. Google LLC*, No., 5:22-cv-04826-BLF (N.D. Cal.) (the NDCA collectively referred to herein as "AGIS I"); and *Google LLC v. AGIS Holdings, Inc.*, 5:23-cv-03624-BLF (N.D. Cal.).

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