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

AGIS SOFTWARE DEVELOPMENT, LLC,	(CAUSE NO. 2:22-CV-263-JRG
)	
Plaintiff,	(
)	
vs.	(
)	
SAMSUNG ELECTRONICS CO., LTD.,	(MARSHALL, TEXAS
et al.,)	
	(AUGUST 22, 2023
Defendants.)	9:00 A.M.

MOTION HEARING

BEFORE THE HONORABLE ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE

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1 THE COURT: Good morning. Please be seated.

2 For the record, we're here for the motion hearing in AGIS
3 Software Development versus Samsung Electronics, which is Case
4 No. 2:22-263 on our docket.

5 Would counsel state their appearances for the record?

6 MR. BAXTER: Good morning, Your Honor. Sam Baxter
7 with McKool Smith along with Fred Fabricant, Enrique
8 Iturralde, and Jacob Ostling. And we're ready, Your Honor.

9 THE COURT: All right. Thank you, Mr. Baxter.

10 MR. THOMPSON: Good morning, Your Honor. Blake
11 Thompson here for Samsung. With me today is Melissa Smith,
12 Luann Simmons, Mark Laing, and Grant Gibson. And we're ready
13 to proceed.

14 THE COURT: All right. Thank you, Mr. Thompson.

15 Let me see. We are here on Plaintiff's motion, so I'll
16 turn it over first to counsel for Plaintiff.

17 MR. FABRICANT: Good morning, Your Honor. Fred
18 Fabricant for the Plaintiff.

19 THE COURT: Good morning, Mr. Fabricant.

20 MR. FABRICANT: Your Honor, the first motion is a
21 motion to amend the infringement contentions. The original
22 infringement contentions were filed -- were served in December
23 of 2022, and the proposed amendments follow a second amended
24 complaint which was filed in the case on June 16 of 2023. And
25 immediately following the filing of the second amended

1 that gives them a reason to now need to add them because they
2 couldn't have been added before. They absolutely could have
3 been added in this case according to the Court's schedule for
4 contentions. There would be no need to amend.

5 THE COURT: All right. Thank you, Ms. Simmons.

6 MR. SIMMONS: Thank you, Your Honor.

7 THE COURT: Mr. Fabricant?

8 MR. FABRICANT: Yes, Your Honor.

9 Your Honor, let me first start by addressing Your Honor's
10 question about where the Court is most concerned, which is
11 delay. And I think that is something that I want to make sure
12 there's clear understanding.

13 As I stated at the outset, there have been no depositions
14 in this case, and we believe all of the documents and
15 information that we would need from Google as far as
16 Plaintiff's discovery from Google have already been produced,
17 but we can't use them here, Your Honor, because of the
18 protective order and the ITC, but they've been gathered,
19 they've been Bates stamped, they've been produced, we have the
20 same counsel. That would be the push of a button producing
21 the same documents and information in this case, including the
22 source code, Your Honor.

23 THE COURT: You know, you have commented a couple of
24 times on the same counsel representing Google as well as
25 Samsung. I'm not sure that doesn't make it more difficult. I

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