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

AGIS SOFTWARE DEVELOPMENT LLC,

Case No. 2:22-cv-00263-JRG

Plaintiff,

JURY TRIAL DEMANDED

v.

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

Defendants.

PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S UNOPPOSED MOTION FOR HEARING ON ITS PENDING MOTION FOR LEAVE TO AMEND ITS DISCLOSURE OF <u>ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS (DKT. 72)</u>

Plaintiff AGIS Software Development LLC ("Plaintiff" or "AGIS") respectfully moves this Court for a hearing, at the Court's earliest convenience, on its pending Motion for Leave to Amend its Disclosure of Asserted Claims and Infringement Contentions (Dkt. 72) (the "Motion"). AGIS's Motion has been fully briefed and is ripe for consideration.

For the Court's consideration in scheduling the hearing, AGIS hereby informs the Court that AGIS intends to file a motion to compel third party Google LLC to produce to AGIS or, in the alternative, to the Court for in camera review, certain deposition testimony and documentary evidence ("Google FMD information"). AGIS served Google with subpoenas seeking the Google FMD information which is subject to an amended protective order in *Certain Location-Sharing Systems, Related Software, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-1347, Order No. 15 (May 12, 2023) (EDIS Doc. ID No. 796290). On July 21, 2023, Google responded that it will not produce the requested Google FMD information in this case until after resolution of the pending Motion for Leave to Amend its Disclosure of Asserted Claims and Infringement Contentions (Dkt. 72). The requested Google FMD information is relevant to



Samsung's position in opposition to this motion that AGIS unduly delayed in amending its infringement contentions, and it supports the timeliness of AGIS's addition of Find My Device to the Amended Complaint on June 16, 2023 (Dkt. 69), which was filed in accordance with the Court's deadline to file amended pleadings (Dkt. 66 at 5), and to which Samsung filed a responsive Answer on June 30, 2023 (Dkt. 80).

Counsel for AGIS has conferred with counsel for Defendants regarding this Motion for hearing, and Defendants do not oppose the relief sought in this Motion.

Respectfully submitted, Dated: July 28, 2023

/s/ Vincent J. Rubino, III

Alfred R. Fabricant NY Bar No. 2219392

Email: ffabricant@fabricantllp.com

Peter Lambrianakos NY Bar No. 2894392

Email: plambrianakos@fabricantllp.com

Vincent J. Rubino, III NY Bar No. 4557435

Email: vrubino@fabricantllp.com

Enrique W. Iturralde NY Bar No. 5526280

Email: eiturralde@ fabricantllp.com

FABRICANT LLP

411 Theodore Fremd Avenue

Suite 206 South

Rye, New York 10580

Telephone: (212) 257-5797

Facsimile: (212) 257-5796

Samuel F. Baxter

State Bar No. 01938000

Email: sbaxter@mckoolsmith.com

Jennifer L. Truelove

State Bar No. 24012906

Email: 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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on July 28, 2023, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Vincent J. Rubino, III
Vincent J. Rubino, III

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(h), the undersigned hereby certifies that counsel for Plaintiff met and conferred with counsel for Defendants. Defendants do not oppose.

/s/ Vincent J. Rubino III
Vincent J. Rubino III

