

any of its objections and defenses to AGIS's Complaint, including, but not limited to, any defenses based on lack of jurisdiction, improper venue, inconvenient venue, insufficiency of process, and insufficiency of service of process, and does not waive Panasonic's right to seek appropriate relief, including dismissal of the Complaint or venue transfer. Panasonic expressly reserves all objections, defenses, and other rights in response to AGIS's Complaint.

The parties respectfully apologize to the Court for the delay in filing this Notice and provide the following reasons for the delay.

First, Plaintiff believed that the ITC proceeding was not complete because there remained live, unresolved disputes related to third party Google's contentions regarding the ITC protective order and AGIS's request for production in this Court of certain ITC discovery. Specifically, in *AGIS Software Development LLC v. Samsung Electronics Co. Ltd. et al*, Case No. 2:22-cv-00263-JRG-RSP (E.D. Tex.), Plaintiff requested production in this Court of the transcript and exhibits for the June 15, 2023 deposition of Google engineer Sorin Dinu taken during the ITC investigation. In response to Plaintiff's stated intention to present the ITC discovery for the Court's consideration of AGIS's Motion for Leave to Amend its Disclosure of Asserted Claims and Infringement Contentions (Dkt. 94), Google responded by denying AGIS's request and stating their intention to seek relief under the ITC protective order to prevent the disclosure of the ITC discovery. The parties understood that such motion practice would have occurred before the ITC. While AGIS's motion for leave was decided by Magistrate Judge Roy S. Payne on August 24, 2023 (Dkt. 115), Samsung is seeking reconsideration (Dkt. 144) and numerous requests to Google for ITC discovery held under the ITC protective order remain outstanding. In recent correspondence, Google's counsel (who also represents Samsung) cited unexpected delays in preparing the ITC discovery for production in this Court as a reason for postponing production

from “late September to mid-October” to “the end of the month of October.” The question of whether Google and/or AGIS will need to seek relief related to the ITC discovery remains open and unresolved.

Second, during this period after termination of the ITC case, AGIS and Google engaged in mediation efforts to resolve all outstanding disputes involving Google Maps and Find My Device, which the parties agreed would extend to all district court cases stayed pending resolution of the ITC case. These mediation efforts remain open.

Third, all parties have been awaiting resolution of Google’s motion for summary judgment in the Northern District of California, particularly regarding an issue on validity of the Asserted Patents which could have streamlined this case. *See AGIS Software Development LLC v. Google LLC*, Case No. 5:22-cv-04826-BLF, Dkt. 471 (N.D. Cal. Oct. 10, 2023). On October 10, 2023, Counsel for AGIS, Google, and Samsung received courtesy copies of the NDCA Order denying-in-part and granting-in-part defendants’ motion for summary judgment with an order requesting proposed redactions to be filed by October 20, 2023. *Id.*

Wherefore, Plaintiff AGIS Software Development LLC and Defendants Panasonic Corporation and Panasonic Corporation of North America respectfully submit this joint notice and explanation for the delay in filing same.

Dated: October 16, 2023

Respectfully submitted,

By: /s/ Alfred R. Fabricant

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that 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) on October 16, 2023.

/s/ Trey Yarbrough
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