

1 [Counsel Listed on Signature Page]

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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In Re Subpoena to [24]7.AI, Inc.,

Misc. Case No. 5:24-mc-80080

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PARUS HOLDINGS, INC.

STIPULATION AND ORDER

7

Plaintiff,

8

v.

9

CHARLES SCHWAB & CO., INC.,

10

Defendant.

11

PARUS HOLDINGS, INC.

Underlying Actions:

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Plaintiff,

Nos. 2:21-cv-00393-JRG (lead case);
2:21-cv-00395-JRG (member case);
2:21-cv-00396-JRG (member cases);
U.S. District Court (E.D. Tex.)
Judge: Hon. Rodney Gilstrap

13

v.

14

CAPITAL ONE, N.A.,

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Defendant.

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PARUS HOLDINGS, INC.

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Plaintiff,

18

v.

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FMR LLC D/B/A FIDELITY INVESTMENTS,

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Defendant.

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Plaintiff Parus Holdings Inc. (“Parus”), third party [24]7.ai (“[24]7”), and Defendants FMR LLC D/B/A Fidelity Investments (“Fidelity”) and Capital One, N.A. (“Capital One”) hereby submit this Joint Stipulation and state as follows:

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WHEREAS, on March 29, 2024, the Parties met and conferred via Zoom and reached an impasse with regards to the production of source code by [24]7.

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WHEREAS, on April 1, 2024, Parus filed a Motion to Compel in this Court, seeking that [24]7 produce (1) certain grammar files in a human readable format or the proprietary tools

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MCKOOL SMITH, P.C.
LOS ANGELES, CA

1 required to make such files human readable; (2) the Java code invoked to perform operations to
2 manage call flow; and (3) the definitions for various previously produced files. Dkt. 1.

3 WHEREAS, on April 4, 2024, the Court issued its Order Requiring Further Meet and
4 Confer and Filing of Joint Discovery Letter Brief, which set the deadline of April 15, 2024.
5 Dkt. 5.

6 WHEREAS, on April 9, 2024, the Parties met and conferred via Zoom. [24]7 informed
7 Parus that it would need time to further investigate Parus' source code requests and would
8 follow-up via email.

9 WHEREAS, on April 11 and 12, 2024, the Parties negotiated a compromise via email.

10 And WHEREAS the Parties, on or about April 12, 2024, reached the following
11 agreements: (1) [24]7 represented that does not have certain grammar files in a human readable
12 format and it does not have the tools required to make such files human readable; (2) Capital
13 One agreed that documented call flows may be used as evidence and will not later argue that
14 failure to use actual source code was insufficient evidence¹; and (3) Parus agreed to a stipulated
15 dismissal of the Motion to Compel.

16 NOW THEREFORE IT IS HEREBY STIPULATED AND THE PARTIES JOINTLY
17 REQUEST, that the Court dismiss this miscellaneous action.

18
19 DATED: April 15, 2024

Respectfully submitted,

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21 By: /s/ Alan P. Block

22 Alan P. Block
23 California State Bar No. 143783
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25 **MCKOOL SMITH, P.C.**
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27 Los Angeles, California 90071
28 Telephone: (213) 694-1200
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28 ¹ This stipulation is limited to the [24]7 Voxify source code as represented by Capital One call flows
and does not extend to any other source code related issue in this matter.

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***ATTORNEYS FOR DEFENDANT FMR LLC.
D/B/A/ FIDELITY INVESTMENTS***

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

Executed on April 15, 2024

/s/ Alan P. Block
Alan P. Block

McKool Smith, P.C.
Los Angeles, CA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

In Re Subpoena to [24]7.AI, Inc.,

Misc. Case No. 5:24-mc-80080

PARUS HOLDINGS, INC.
Plaintiff,
v.
CHARLES SCHWAB & CO., INC.,
Defendant.

ORDER

PARUS HOLDINGS, INC.
Plaintiff,
v.
CAPITAL ONE, N.A.,
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Underlying Actions:
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U.S. District Court (E.D. Tex.)
Judge: Hon. Rodney Gilstrap

PARUS HOLDINGS, INC.
Plaintiff,
v.
FMR LLC D/B/A FIDELITY
INVESTMENTS,
Defendant.

Before the Court is the Stipulation seeking dismissal of the miscellaneous case.
PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: April 15, 2024

Honorable _____
United States District Court

