

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT, LLC,
Patent Owner.

Case IPR2018-01080
Patent 9,408,055 B2

Before TREVOR M. JEFFERSON, CHRISTA P. ZADO, and
KEVIN C. TROCK, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

We have authority to hear this *inter partes* review under 35 U.S.C. § 6. This Final Written Decision issues pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed herein, we determine that Google LLC (“Petitioner”) has shown, by a preponderance of the evidence, that claims 1, 2, 5–7, 14, 15, 17, 21–25, 27, 28, 30, 32–34, 36, 37, 40–43, 45, 49, and 54 (the “challenged claims”) of U.S. Patent No. 9,408,055 B2 (Ex. 1001, “the ’055 patent”) are unpatentable. *See* 35 U.S.C. § 316(e); 37 C.F.R. § 42.1(d).

A. Procedural History

Petitioner filed a request for *inter partes* review of the challenged claims of the ’055 patent. Paper 2 (“Pet.”). AGIS Software Development, LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Petitioner filed an authorized Reply to the Preliminary Response. Paper 8.

On December 4, 2018, the Board entered a decision instituting an *inter partes* review of all claims and all grounds presented in the Petition. Paper 9 (“Inst. Dec.”).

After institution, Patent Owner filed a Response to the Petition. Paper 15 (“PO Resp.”). Petitioner thereafter filed a Reply to Patent Owner’s Response. Paper 19 (“Reply”). Patent Owner filed a Sur-reply to Petitioner’s Reply. Paper 21 (“Sur-reply”). An oral hearing was held on Sept. 6, 2019. A transcript of the hearing is included in the record. Paper 29 (“Tr.”).

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B. Related Proceedings

Petitioner advises that the '055 patent has been asserted in several district court cases in the Eastern District of Texas, namely, *AGIS Software Development LLC v. Huawei Device USA Inc.*, TXED-2-17-cv-00513, filed June 21, 2017; *AGIS Software Development LLC v. HTC Corporation*, TXED-2-17-cv-00514, filed June 21, 2017; *AGIS Software Development LLC v. LG Electronics, Inc.*, TXED-2-17-cv-00515, filed June 21, 2017; *AGIS Software Development LLC v. Apple Inc.*, TXED-2-17-cv-00516, filed June 21, 2017; and *AGIS Software Development LLC v. ZTE Corporation*, TXED-2-17-cv-00517, filed June 21, 2017. Pet. 76.

Patent Owner further advises that the '055 patent and related patents are the subject of various filings requesting *inter partes* review. Paper 4, 2–3 (see table identifying *inter partes* review case numbers).

C. The '055 Patent

The '055 patent specification (the “Specification”) generally concerns rapidly establishing an ad hoc network of devices (e.g., smartphones, PDAs, or personal computers) with users, such as first responders, and logging onto a network using the network’s name and security key (a common “password” for everyone). Ex. 1001, Title, Abs, 10:55–57 (devices sign in with “the same ad hoc event name and password”). Once logged on, the users’ devices exchange each other’s location information via a remote server, and each participant’s location is displayed as a user-selectable symbol correctly positioned on an interactive display of a georeferenced map. *Id.* at 6:47–7:40; Fig. 1. Users may communicate or send data to another user by selecting the user’s symbol and the desired action. *Id.*

Figure 1 of the '055 patent is set out below.

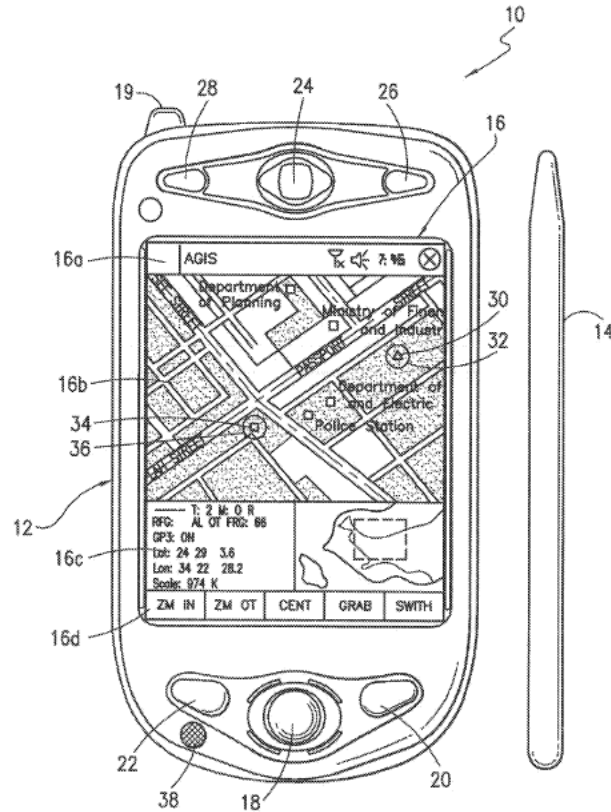


FIG. 1

Figure 1, shown above, depicts a user's digital device 10 (cellular phone/PDA/GPS) having a touch screen 16 displaying a geographical map 16b with georeferenced entities 30, 34. *Id.* at 5:21–42, 6:49–65.

D. Challenged Claims

Claims 1, 28, 41, and 54 are the independent challenged claims. Claims 1, 28, and 41 are substantially similar, but differ in that claim 1 recites a method (Ex. 1001, 14:39–15:16), claim 28 recites a system (*id.* 17:28–18:7), and claim 41 recites a device (*id.* 19:7–50). Claim 54 is substantially similar to claim 1, but recites an additional limitation of transmitting an IP-based text message to a second device via a cellular

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network. *Id.* 20:49–21:29. Independent claims 1, 28, 41, and 54, set out below, are illustrative.

1. [preamble] A method comprising:
performing by a first device:

28. [preamble] A system comprising:
A first device programmed to perform operations
comprising:

41. [preamble] A non-transitory storage device
having instructions stored thereon that, when
executed by a first device, cause the first device to
perform operations comprising:

[1.1; 28.1; and 41.1] obtaining contact information
of a plurality of second devices, wherein the contact
information comprises respective telephone
numbers of the second devices;

[1.2; 28.2; and 41.12] facilitating initiation of
Internet Protocol (IP) based communication
between the first device and the respective second
devices by using respective telephone numbers to
send, from the first device to the second devices,
respective Short Message Service (SMS) messages
including a telephone number of the first device and
information usable by the respective second device
to send IP-based communication to the first device;

[1.3; 28.3; and 41.3] receiving respective IP-based
responses to the SMS messages, wherein the IP-
based responses to the SMS messages include
location information of the respective second
devices;

[1.4; 28.4; and 41.4] transmitting IP-based
messages including a location of the first device to
the respective second devices;

[1.5; 28.5; and 41.5] presenting, via an interactive
display of the first device, an interactive map and a

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