

# EXHIBIT B

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**From:** Lavenue, Lionel <lionel.lavenue@finnegan.com>  
**Sent:** Tuesday, October 30, 2018 4:25 PM  
**To:** Lambrianakos, Peter; Rubino, Vincent J.  
**Cc:** Schulz, Bradford; AGIS-Lit  
**Subject:** RE: AGIS Software Development, LLC v ZTE Corporation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Peter,

Thank you for your email, asking that “ZTE immediately dismiss its complaint [against AGIS in the NDCA].” This, ZTE will not do.

We reviewed *Kyocera v. Semcon* from the SDCA, and we note that is not only non-binding and non-precedential but also unavailing.

First, there is a case or controversy as to all AGIS entities. Upon information and belief, all three AGIS entities are connected by the patents and the associated product, the “LifeRing.” The products and patents were allegedly developed by the AGIS, Inc. entity. According to you, AGIS, Inc. was restructured under the recently formed AGIS Holdings, Inc., which owns sister company AGIS Software-- which in turn now owns the asserted patents. Lastly, the asserted patents are allegedly licensed back to AGIS, Inc. Further, according to previous briefings, the AGIS entities were established to conduct business for the “LifeRing” solution, either by merchandising or developing it. On June 30, 2004, “Mr. Beyer founded Advanced Ground Information Systems, Inc. (“AGIS Inc.”) with its “primary business [ ] revolv[ing] around offering the “LifeRing” solution which includes client-based applications and a server-based solution for enabling smartphone, tablet, and PC users to easily and rapidly establish secure ad hoc digital networks.” *In re Apple, Inc.*, case 18-151, dkt. 18-1 (AGIS response). Allegedly, AGIS started the “LifeRing” solution and continued to develop it, leading to the asserted patent continuations. Additionally, “LifeRing 5.0 and its predecessor versions have been offered and sold to military, defense, and first-responder customers, as well as private industry customers.” *Id.* AGIS also admits that AGIS Software licenses its patent portfolio to AGIS, Inc., and AGIS already alleged that LifeRing practices the asserted patents. *AGIS v. ZTE et al.*, case 2:17-cv-00517, dkt. 1 (EDTX). And, in 2013, “AGIS Inc. began a corporate restructuring plan for business growth purposes that resulted in the formation of a parent corporation, AGIS Holdings, Inc.” consisting of the two subsidiaries, AGIS Inc. and AGIS Software “which work closely with one another.” *In re Apple, Inc.*, case 18-151, dkt. 18-1 (AGIS response). As you can see, by your own accounts, all three AGIS entities are closely connected to the design, development, licensing, and marketing of the “LifeRing” embodiment and the asserted patents. Thus, your allegation that these matters lack case or controversy regarding all AGIS entities is at least in dispute and at most unconvincing.

Second, as for jurisdiction for the AGIS entities, there is sufficient evidence supporting both general and specific jurisdiction for this matter. For instance, for specific jurisdiction in particular, courts require that the defendants engage in “activities that relate to the enforcement or the defense of the validity of the relevant patents.” *Avocent Huntsville Corp. v. Aten Intern. Co., LTD.*, F.3d 1324, 1335 (Fed. Cir. 2008). The AGIS entities have engaged in numerous “activities” targeting California that support specific jurisdiction in NDCA.

Finally, as we discussed during our call, ZTE USA agrees that waiver of service is appropriate. As such, as requested, we will forward a waiver of service of summons shortly, which automatically provides AGIS with 60 days to respond to the Complaint.

Regards

Lionel

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**From:** Lambrianakos, Peter [mailto:PLambrianakos@brownrudnick.com]  
**Sent:** Friday, October 26, 2018 5:26 PM  
**To:** Lavenue, Lionel <lionel.lavenue@finnegan.com>; Rubino, Vincent J. <VRubino@brownrudnick.com>  
**Cc:** Schulz, Bradford <Bradford.Schulz@finnegan.com>; AGIS-Lit <agislit@brownrudnick.com>  
**Subject:** RE: AGIS Software Development, LLC v ZTE Corporation

**EXTERNAL Email:**

Lionel,

Please see the attached decision dismissing a case in the Southern District of California for lack of personal jurisdiction. The complaint filed by ZTE against the AGIS entities suffers from the same deficiencies, as well as a lack of case or controversy as to the AGIS defendants which do not own the patents. Accordingly, we request that ZTE immediately dismiss its complaint. If it refuses to do so and AGIS is forced to file a motion to dismiss, we will seek fees and costs from ZTE.

Regards,

Peter

**brownrudnick**

**Peter Lambrianakos**

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**From:** Lavenue, Lionel [mailto:[lionel.lavenue@finnegan.com](mailto:lionel.lavenue@finnegan.com)]  
**Sent:** Tuesday, October 16, 2018 2:02 PM  
**To:** Rubino, Vincent J.  
**Cc:** Schulz, Bradford; AGIS-Lit  
**Subject:** RE: AGIS Software Development, LLC v ZTE Corporation

Vincent -

Please advise whether you will accept service of the new Complaint on the AGIS entities in the NDCA.

Regards,

Lionel

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REDACTED NOT RELEVANT