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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

11 GOOGLE LLC,

12 Plaintiff,

13 v.

14 AGIS HOLDINGS, INC., ADVANCED
15 GROUND INFORMATION SYSTEMS,
16 INC., AND AGIS SOFTWARE
DEVELOPMENT LLC,

17 Defendants.

Case No.

**COMPLAINT FOR DECLARATORY
JUDGMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff Google LLC (“Google”) brings this action for declaratory judgment against
2 Defendants AGIS Holdings, Inc. (“AGIS Holdings”), Advanced Ground Information Systems,
3 Inc. (“AGIS, Inc.”), and AGIS Software Development LLC (“AGIS Software”) (collectively
4 “AGIS” or “AGIS Entities”) and alleges:

5 NATURE OF THE ACTION

6 1. This is an action for declaratory judgment of non-infringement, invalidity, and
7 unenforceability of U.S. Patent No. 8,213,970 (“’970 Patent”) against AGIS pursuant to the
8 Declaratory Judgment Act, 28 U.S.C. §§ 2201-02, and the patent laws of the United States, 35
9 U.S.C. § 100 et seq., and for other relief the Court deems just and proper.

10 2. Google requests this relief because AGIS has asserted in multiple cases that
11 Google and others infringe the ’970 Patent based on Google’s Find My Device (“FMD”)
12 application.

13 3. In 2017, AGIS asserted infringement of the ’970 Patent based on FMD in cases
14 filed in the Eastern District of Texas (“EDTX”), against Huawei, LG, ZTE, and HTC. *See AGIS*
15 *Software Development LLC v. ZTE Corp.*, 2:17-cv-00517 (E.D. Tex.); *AGIS Software*
16 *Development LLC v. LG Elecs. Inc.*, 2:17-cv-00515 (E.D. Tex.); *AGIS Software Development*
17 *LLC v. HTC Corp.*, 2:17-cv-00514 (E.D. Tex.); *AGIS Software Development LLC v. Huawei*
18 *Device USA Inc.*, 2:17-cv-00513 (E.D. Tex.). As part of those actions, AGIS served a subpoena
19 to Google seeking discovery relating to FMD.

20 4. In 2019, AGIS filed a complaint against Google in the Eastern District of Texas
21 (“EDTX”) asserting, among other claims, the ’970 Patent against FMD. *AGIS Software*
22 *Development LLC v. Google LLC*, EDTX, No. 2:19-CV-00361-JRG (“AGIS I”). While AGIS I
23 was pending, AGIS amended the claims of the ’970 Patent to overcome prior art asserted during
24 an *ex parte* reexamination (“EPR”) of the patent. After the EPR proceedings concluded, Google
25 filed a Rule 12(b)(1) motion to dismiss AGIS’s claims regarding the ’970 Patent for lack of
26 subject matter jurisdiction because AGIS had substantively amended the patent’s asserted claims
27 to avoid prior art. Before the EDTX court resolved that motion, the Federal Circuit ordered the
28 case transferred to the Northern District of California (“NDCA”). *In re Google LLC*, No. 2022-

1 140-42, 2022 WL 1613192, at *1 (Fed. Cir. May 23, 2022).

2 5. The case was assigned to Judge Beth Labson Freeman in this District. *AGIS*
3 *Software Development LLC v. Google LLC*, NDCA, No. 5:22-CV-04826-BLF (“the NDCA
4 Case”). Google then refiled in this District its motion to dismiss the ’970 Patent for lack of
5 subject matter jurisdiction. In response, AGIS dismissed the ’970 Patent with prejudice. *See*
6 NDCA Case, Dkts. 437, 438. The remainder of the NDCA Case remains pending before Judge
7 Freeman.

8 6. Before AGIS agreed to dismiss the ’970 Patent with prejudice from the NDCA
9 case, it filed a duplicative action against Google in the Western District of Texas, asserting the
10 amended claims of the ’970 Patent against the same Google FMD application. *AGIS Software*
11 *Development LLC v. Google LLC*, No. 6:23-CV-00160-DC-DTG (“the WDTX Case”).

12 7. On April 4, 2023, the WDTX granted Google’s unopposed motion to stay the
13 WDTX Case. *See* WDTX Case, Dkt. 11. As stated in the unopposed motion to stay, AGIS
14 agreed to transfer the WDTX Case to this District following the stay: “[t]he parties have agreed
15 that if and after the requested stay has been lifted, AGIS will not oppose a motion by Google to
16 transfer this case to the Northern District of California following the stay.” *See* WDTX Case,
17 Dkt. 10 at 3 n.1.

18 8. On July 20, 2023, while the case was still stayed, AGIS voluntarily dismissed the
19 WDTX Case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). *See*
20 WDTX Case, Dkt. 12.

21 9. Google denies that it has infringed or is infringing any claims of the ’970 Patent,
22 denies that any claim of the ’970 Patent is valid or enforceable, and denies that AGIS can assert
23 any claim of the ’970 Patent against Google.

24 10. An actual and justiciable controversy therefore exists under 28 U.S.C. §§ 2201-
25 2202 between Google and AGIS regarding the ’970 Patent.

26 **THE PARTIES**

27 11. Plaintiff Google LLC is a subsidiary of Alphabet Inc. with its principal place of
28 business located at 1600 Amphitheatre Parkway, Mountain View, California 94043.

1 declaratory judgment, under the Federal Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.*

2 19. An actual and justiciable controversy with respect to the '970 Patent exists
3 between Google and AGIS Software, and between Google and AGIS Inc., and AGIS Holdings
4 under an alter ego theory.

5 **III. AGIS Software is Subject to the Specific Jurisdiction of This Court**

6 20. AGIS Software is subject to this Court's specific jurisdiction, pursuant to due
7 process and/or the California Long Arm Statute based on: (1) AGIS's agreement in the WDTX
8 Case to transfer the very dispute that is the subject of this declaratory judgment action to the
9 NDCA; (2) the activities of AGIS over a long period of time purposefully directed at the state of
10 California, including at residents of this state; (3) AGIS having over a long period of time
11 performed purposeful acts intended to harm residents of the state of California; (4) AGIS having
12 engaged in business-related activities over a long period of time that are directed to customers and
13 potential customers in the state of California such that AGIS has purposefully availed itself of the
14 privilege of doing business in this state; and (5) the claims asserted herein arise out of or relate to
15 activities by AGIS within and directed at this forum. Further, the assertions of personal
16 jurisdiction are reasonable and fair.

17 **A. AGIS Software Purposefully Directed Its Patent Licensing Activities to**
18 **California Companies Subjecting It To Specific Jurisdiction Under *Trimble***

19 21. AGIS Software is a patent licensing company that licenses its patent portfolio,
20 including the '970 Patent.

21 22. AGIS Software has no employees.

22 23. AGIS Software's principal source of revenue is from patent licenses with
23 California companies and other companies operating in the State of California.

24 24. AGIS Software or its predecessor-in-interest has taken purposeful steps to enforce
25 the '970 Patent and/or obtain licenses to the '970 Patent and/or related patents with companies
26 having principal places of business and operations in this judicial district, including Lyft, Apple
27 Inc. ("Apple"), WhatsApp LLC ("WhatsApp"), Facebook, Inc. ("Facebook"), Uber Technologies,
28 Inc. d/b/a UBER ("Uber"), and Life360, Inc. ("Life360"), and with companies or their affiliates

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