

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

	§	
AGIS SOFTWARE DEVELOPMENT	§	
LLC	§	
	§	
Plaintiff,	§	Case No. 2:17-cv-516
	§	
v.	§	<u>JURY TRIAL DEMANDED</u>
	§	
APPLE, INC.,	§	
	§	
Defendant.	§	
	§	

**PLAINTIFF’S FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

Plaintiff, AGIS Software Development LLC (“AGIS Software” or “Plaintiff”), files this First Amended Complaint against Defendant, Apple, Inc. (“Apple”), for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1. Plaintiff, AGIS Software, is a limited liability company organized and existing under the laws of the State of Texas, and maintains its principal place of business at 100 W. Houston Street, Marshall, Texas 75670. AGIS Software is the owner of all right, title, and interest in and to U.S. Patent Nos. 9,467,838, 9,445,251, 9,408,055, 9,749,829, and 8,213,970 (collectively, the “patents-in-suit”).

2. Upon information and belief, Defendant Apple is a California corporation having a principal place of business in Cupertino, California and regular and established places of business at 2601 Preston Road, Frisco, Texas, and 6121 West Park Boulevard, Plano, Texas, as well as other locations in Texas. Apple offers and sells its products and/or services, including

those accused herein of infringement, to customers and potential customers located in Texas, including in the judicial Eastern District of Texas. Apple may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). Apple has regular and established places of business in this judicial district, including in Frisco and Plano, is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused devices in this judicial district.

5. This Court has personal jurisdiction over Apple. Apple conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this judicial district and/or has contributed to patent infringement by others in this judicial district, the State of Texas, and elsewhere in the United States.

PATENTS-IN-SUIT

6. On July 3, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,213,970 (the "'970 Patent") entitled "Method of Utilizing Forced Alerts for Interactive Remote Communications." A true and correct copy of the '970 Patent is attached hereto as Exhibit A.

7. On August 2, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,408,055 (the “’055 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’055 Patent is attached hereto as Exhibit B.

8. On September 13, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,445,251 (the “’251 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’251 Patent is attached hereto as Exhibit C.

9. On October 11, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,467,838 (the “’838 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’838 Patent is attached hereto as Exhibit D.

10. On August 29, 2017, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,749,829 (the “’829 Patent”) entitled Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’829 Patent is attached hereto as Exhibit E.

FACTUAL ALLEGATIONS

11. Malcolm K. “Cap” Beyer, Jr., a graduate of the United States Naval Academy and a former U.S. Marine, is the CEO of AGIS Software and a named inventor of the AGIS patent portfolio. Mr. Beyer founded Advanced Ground Information Systems, Inc. (“AGIS, Inc.”) shortly after the September 11, 2001, terrorist attacks because he believed that many first-responder and civilian lives could have been saved through the implementation of a better communication system. He envisioned and developed a new communication system that would

use integrated software and hardware components on mobile devices to give users situational awareness superior to systems provided by conventional military and first-responder radio systems.

12. AGIS, Inc. developed prototypes that matured into its LifeRing system. LifeRing provides first responders, law enforcement, and military personnel with what is essentially a tactical operations center built into hand-held mobile devices. Using GPS-based location technology and existing or special-purpose cellular communication networks, LifeRing users can exchange location, heading, speed, and other information with other members of a group, view each other's locations on maps and satellite images, and rapidly communicate and coordinate their efforts. The system also interfaces with military command-and-control systems, such as GCCS, JCR, AFATDS, C2PC, and FBCB2.

13. AGIS Software licenses its patent portfolio, including the '970, '055, '251, '838, and '829 Patents to AGIS, Inc. AGIS, Inc.'s LifeRing product practices one or more of the patents in the AGIS portfolio and AGIS, Inc. has marked its products accordingly.

14. AGIS Software and all previous assignees of the patents-in-suit have complied with the requirements of 35 U.S.C. § 287(a).

15. Apple manufactures, uses, sells, offers for sale, and/or imports into the United States electronic devices such as, but not limited to: iPhones (including but not limited to versions 4, 4s, 5, 5s, SE, 6s, 6s+, 7, 7+, 7 Red, 8, X, and SE), iPads (including but not limited to iPad versions 1 through 3, iPad Air versions 1 and 2, iPad Mini versions 1 through 4, and iPad Pro 9.7, 10.5, and 12.9), and Apple Watch (including but not limited to Apple Watch versions Series 1, Series 2, Series 3, Nike+, and Hermes) (collectively, the "Accused Devices"), all of which are pre-configured or adapted with Apple's own map-based communication applications

and/or features such as, but not limited to: Apple Maps, Find My iPhone, Find My Friends, and iMessage apps. Apple provides software such as, but not limited to: Apple Maps, Find My iPhone, Find My Friends, and iMessage apps as components of its iOS operating systems software and as downloads on Apple's App Store. The Accused Devices, together with Apple's software components such as, but not limited to Apple Maps, Find My iPhone, Find My Friends, and iMessage apps are configured to interact with Apple's servers which provide the Apple Maps service, the Apple iCloud service, and the Apple iMessage service, among other services provided by Apple and utilized by Apple's customers when operating the Accused Devices such as the iPhones and iPads identified herein.

16. The Accused Devices include functionalities that allow users to form groups with other users and/or Accused Devices; to view the geographical locations, which may be continuously updated, of other users and/or Accused Devices in the groups; and to engage in communications between users and/or Accused Devices in the groups, including text, voice, and multimedia-based communications. The Accused Devices include additional functionalities that allow users to form groups to include their own Accused Devices and track their own lost or stolen Accused Devices (as shown below); to send and receive communications from their own lost or stolen Accused Devices; and to remotely control the lost or stolen Accused Devices.

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