

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner

v.

AGIS SOFTWARE DEVELOPMENT, LLC,
Patent Owner

Case IPR2018-01079
Patent 8,213,970

SUPPLEMENTAL DECLARATION OF DAVID H. WILLIAMS

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Google 1023

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III. GROUND 12

 A. Kubala’s disclosure is not limited to clearing a received message from the display, but also encompasses clearing a response list from the display as required by claim limitations 1.6 and 6.8.3

 B. In addition to Kubala, Hammond also discloses the “displaying a listing” required by claim limitations 1.7, 1.9, and 6.5.....4

 1. During my deposition, I did not say that a Message Tracking Table is “not displayed.”4

 2. Portions of a Message Tracking Table can be stored and displayed on other devices.5

IV. GROUNDS 2 AND 36

 A. A person of ordinary skill in the art would have been motivated to combine Hammond, Johnson, and Pepe.7

 B. Hammond and Johnson each disclose the claimed “forced message alert software packet” and the “forced message alert.”8

 C. Even with options to open electronic message objects, Johnson employs persistent reply attributes.9

 D. Hammond, Johnson, and Pepe disclose the “displaying a listing” required by limitations 1.7, 1.9, and 6.5.....11

EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 8,213,970 B2 to Beyer (“970 patent”)
1002	Prosecution History of U.S. Patent No. 8,213,970 (Application No. 12/324,122) (“970 Pros. Hist.”)
1003	Declaration of David H. Williams
1004	<i>Curriculum Vitae</i> of David H. Williams
1005	U.S. Patent Application Publication No. 2006/0218232 to Kubala <i>et al.</i> (“Kubala”)
1006	U.S. Patent No. 6,854,007 to Hammond (“Hammond”).
1007	U.S. Patent No. 5,325,310 to Johnson <i>et al.</i> (“Johnson”)
1008	U.S. Patent No. 5,742,905 to Pepe <i>et al.</i> (“Pepe”)
1009	U.S. Publication No. 2003/0128195 to Banerjee <i>et al.</i> (“Banerjee”)
1010	<i>Simon Says “Here’s How!” Simon™ Mobile Communications Made Simple</i> , Simon Users Manual, IBM Corp., 1994. (“Simon”)
1011	Prosecution History of U.S. Patent Application No. 10/711,490 (“490 application”)
1012	Prosecution History of U.S. Application No. 11/308,648 (“648 application”)
1013	Prosecution History of U.S. Application No. 11/612,830 (“830 application”)
1014	McKinsey & Company, <i>The McKinsey Report : FDNY 9/11 Response</i> (2002) (“The McKinsey Report”)
1015	<i>History of Mobile Phones</i> , Wikipedia.com, https://en.wikipedia.org/wiki/History_of_mobile_phones (last visited May 10, 2018) (“Hist. Mobile Phones”)
1016	<i>Apple Newton</i> , Wikipedia.com, https://en.wikipedia.org/wiki/Apple_Newton (last visited May 10, 2018) (“Apple”)
1017	<i>Email</i> , Wikipedia.com, https://en.wikipedia.org/wiki/Email (last visited May 10, 2018) (“Email”)
1018	<i>From touch displays to the Surface: A brief history of touchscreen technology</i> , Arstechnica.com https://arstechnica.com/gadgets/2013/04/from-touch-displays-to-the-surface-a-brief-history-of-touchscreen-technology/ (last visited May 10, 2018) (“Arstechnica”)

Exhibit No.	Description
1019	<i>Palm VII</i> , Wikipedia.com, https://en.wikipedia.org/wiki/Palm_VII (last visited May 10, 2018) (“Palm”)
1021	Declaration of Michael A. Berta in support of Motion for <i>Pro Hac Vice</i> Admission
1022	Transcript of the Deposition of Dr. Jaime G. Carbonell, June 7, 2019
1023	Supplemental Declaration of David H. Williams in Support of Petitioner’s Reply
1024	<i>Computer Dictionary, The Comprehensive Standard for Business, School, Library, and Home</i> , Microsoft Press, Microsoft Corp., 1991.
1025	Declaration of Dr. Jaime G. Carbonell in Support of Plaintiff’s Opening Claim Construction Brief, <i>AGIS Software Development, LLC v. Huawei Device USA Inc., et al.</i> , No. 2:17-cv-00513-JRG (E.D. Tex.), filed July 25, 2018.

SUPPLEMENTAL EXHIBITS SERVED (NOT FILED)

Exhibit No.	Description
1020	Supplemental Declaration of David H. Williams

I. INTRODUCTION

I, David H. Williams, declare as follows:

1. I am the same David H. Williams who submitted a declaration in support of the Petitioner on May 15, 2018 in this *inter partes* review proceeding, IPR2018-01079. I am more than 21 years of age and I make this declaration based on my personal knowledge, experience, and belief. If called upon, I can testify competently to the facts stated in this declaration. My initial declaration was marked as Exhibit 1003.

2. Since I submitted my initial declaration (Ex. 1003), the Board has issued an Institution Decision, Dr. Carbonell has submitted a declaration (Ex. 2005), and Dr. Carbonell has been deposed (Ex. 1022). I submit this supplemental declaration to address issues raised by the Institution Decision, Dr. Carbonell's declaration, and his deposition.

II. CLAIM CONSTRUCTION

3. I understand that the Board instructed the parties to "provide their proposed construction for the term 'packet.'" (Inst. Dec., 30.) I also understand that Google's proposed construction for the term "packet" is *a unit of information*. I agree with this construction because it is consistent with this term's use in the claims and specification of the '970 patent. And although the Microsoft Computer Dictionary defines a packet as "a unit of information transmitted as a whole from

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