

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT, LLC,
Patent Owner.

U.S. Patent No. 8,213,970
Filing Date: November 26, 2008
Issue Date: July 3, 2012

Inventor: Malcolm K. Beyer, Jr.
Title: METHOD OF UTILIZING FORCED ALERTS FOR INTERACTIVE
REMOTE COMMUNICATIONS

PATENT OWNER'S NOTICE OF APPEAL

Case No. IPR2018-01079

IPR2018-01079
Patent Owner's Notice of Appeal

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner AGIS Software Development LLC (“AGIS” or “Patent Owner”) hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered November 19, 2019 (Paper 34) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 8,213,970 (the “’970 patent”) in Case No. IPR2018-01079. This notice is timely under 37 C.F.R. § 90.3, having been filed within 63 days after the date of the Final Written Decision.

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner anticipates that the issues on appeal may include, but are not limited to: the Board’s claim constructions, its application of those constructions, its obviousness determinations including that claims 1–3, and 9 of the ’970 patent are unpatentable under 35 U.S.C. § 103; the findings, rulings and conclusions supporting or relating to those determinations; the constitutionality of the appointments of Administrative Patent Judges Trevor M. Jefferson, Christa P. Zado, and Kevin C. Trock under U.S. Const. art. II, § 2, cl. 2. in view of *Arthrex v. Smith & Nephew*, No. 18-2140 (Fed. Cir. 2019); and any other issues decided adversely to Patent Owner in any orders, decisions, rulings, or opinions in IPR2018-01079.

IPR2018-01079
Patent Owner's Notice of Appeal

Simultaneous with this submission, three (3) copies of this Notice of Appeal are being filed with the Clerk of the United States Court of Appeals for the Federal Circuit and being submitted electronically through the Court's CM/ECF system, together with the requisite fee in the amount of \$500.00. In addition, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board and served upon counsel of record for Google LLC.

Respectfully submitted,

Dated: January 21, 2020

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IPR2018-01079
Patent 8,213,970

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

ZADO, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged 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”)¹ has shown, by a preponderance of the evidence, that claims 1 and 3–9 (“challenged claims”) of U.S. Patent No. 8,213,970 B2 (Ex. 1001, “the ’970 patent”) are unpatentable. *See* 35 U.S.C. § 316(e) (2012); 37 C.F.R. § 42.1(d) (2017).

A. Procedural History

Petitioner filed a Petition for *inter partes* review of claims 1 and 3–9 of the ’970 patent. Paper 2 (“Pet.” or “Petition”). AGIS Software Development, LLC (“Patent Owner”)² subsequently filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Petitioner filed an authorized Reply to Patent Owner’s Preliminary Response. Paper 8. On November 20, 2018, the Board entered a decision instituting an *inter partes* review of all claims and all grounds presented in the Petition. Paper 9 (“Institution Decision” or “Inst. Dec.”).

After institution, Patent Owner filed a Response to the Petition. Paper 17 (“Response” or “PO Resp.”). Petitioner thereafter filed a Reply to Patent Owner’s Response. Paper 22 (“Pet. Reply” or “Reply”). Patent Owner filed a Sur-reply to Petitioner’s Reply to Patent Owner’s Response.

¹ Pursuant to 37 C.F.R. § 42.8, Petitioner identifies as real parties-in-interest Google LLC, Huawei Device USA Inc., Huawei Device Co., Ltd., Huawei Device (Dongguan) Co., Ltd., Huawei Technologies USA Inc., Huawei Technologies Co., Ltd., and LG Electronics, Inc. Pet. 79.

² Pursuant to 37 C.F.R. § 42.8, Patent Owner identifies only itself as a real party-in-interest. Paper 5, 1.

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