UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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GOOGLE LLC,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT LLC,
Patent Owner.

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

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**PATENT OWNER'S SUR-REPLY TO
PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

Case No. IPR2018-01079

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TABLE OF AUTHORITIES

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Cases

LIST OF EXHIBITS

Exhibit No.	Document
2001	Appendix 1 to P.R. 4-3 Joint Claim Construction and Pre-Hearing Statement in *AGIS Software Development LLC v. Huawei Device USA, Inc., et al.* – Parties' Proposed Constructions and Supporting Evidence, filed in *AGIS Software Development LLC v. Huawei Device USA, Inc., et al.*, Case No. 2:17-cv-000513-JRG-RSP (Dkt. 149-1)
2002	P.R. 4-3 Joint Claim Construction and Pre-Hearing Statement, filed in *AGIS Software Development LLC v. Huawei Device USA, Inc., et al.*, Case No. 2:17-cv-000513-JRG-RSP (Dkt. 149)
2003	Appendix 1 to P.R. 4-3 - Updated Joint Claim Construction and Prehearing Statement in *AGIS Software Development LLC v. Huawei Device USA, Inc., et al.* – Parties' Updated Proposed Constructions and Supporting Evidence, filed in *AGIS Software Development LLC v. Huawei Device USA, Inc., et al.*, Case No. 2:17-cv-000513-JRG-RSP (Dkt. 162-1)
2004	P.R. 4-3 - Updated Joint Claim Construction and Pre-Hearing Statement, filed in *AGIS Software Development LLC v. Huawei Device USA, Inc., et al.*, Case No. 2:17-cv-000513-JRG-RSP (Dkt. 162)
2005	Declaration of Jaime G. Carbonell, Ph.D.
2006	Curriculum Vitae of Jaime G. Carbonell, Ph.D.
2007	Transcript of March 21, 2019 Deposition of David Hilliard Williams
2008	Transcript of July 24, 2019 Deposition of David Hilliard Williams

I. INTRODUCTION

Patent Owner AGIS Software Development LLC ("AGIS" or "Patent Owner") submits this sur-reply to Petitioner's Reply (Paper 22, "Pet. Reply") to Patent Owner's Response (Paper 17, "PO Resp.") to the Petition (Paper 2, "Petition" or "Pet.") filed by Google LLC ("Google" or "Petitioner") requesting *inter partes* review ("IPR") of claims 1 and 3-9 of U.S. Patent No. 8,213,970 (Ex. 1001, "the '970 Patent"). *Inter partes* review has been instituted as to claims 1 and 3-9 (the "Challenged Claims") and all grounds raised in the Petition (Paper 9). Patent Owner respectfully submits that the arguments presented herein and the additional evidence submitted herewith, such as the testimony from Petitioner's expert witness, Mr. David Hilliard Williams (Ex. 2008, Transcript of July 25, 2019 Deposition of David Hilliard Williams, "Second Williams Dep.") demonstrate that the Challenged Claims are not unpatentable in view of the grounds authorized for trial.

As noted in Patent Owner's Response (Paper 17 at 2), the prior art does not disclose or suggest a forced message alert and the claim limitations relating to the implementation of the forced message alert. Instead, the prior art is limited to (1) ordinary e-mail applications that require users to manually open e-mail, (2) conventional read receipts and priority flags, and (3) data structures for storing receipts on a server. Ex. 2005, ¶ 22. Petitioner's expert Mr. Williams confirmed

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