

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT, LLC,
Patent Owner.

Case IPR2018-01081
Patent 9,445,251 B2

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

TROCK, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

Google LLC (“Petitioner”) filed a request for *inter partes* review of claims 1–2, 4–6, 8, 10, 12, 22–24, 27, 29, 31, 32, and 35 (the “challenged claims”) of U.S. Patent No. 9,445,251 B2 (Ex. 1001, “the ’251 patent”). Paper 2 (“Pet.”). AGIS Software Development, LLC (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). Petitioner filed a Reply to the Preliminary Response. Paper 9 (“Reply”).

Under 35 U.S.C. § 314, an *inter partes* review must not be instituted “unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Upon considering the evidence presented and the arguments made, we determine that Petitioner has not demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims. Accordingly, we do not institute an *inter partes* review.

A. *Related Proceedings*

Petitioner advises that it has filed petitions for *inter partes* review of the ’251 patent in IPR2018-01082, IPR2018-01083, and IPR2018-01084. Pet. 2–3. Petitioner also advises that the ’251 patent is the subject of the following civil actions: *AGIS Software Development LLC v. Apple Inc.*, No. 2:17-cv-00516-JRG (E.D. Tex.); *AGIS Software Development LLC v. Huawei Device USA Inc. et al.*, No. 2:17-cv-00513 (E.D. Tex.); *AGIS Software Development LLC v. LG Electronics, Inc.*, No. 2:17-cv-00515 (E.D. Tex.); *AGIS Software Development LLC v. ZTE Corporation et al.*, No. 2:17-cv-00517 (E.D. Tex.); *AGIS Software Development LLC v. HTC Corporation*, No. 2:17-cv-00514 (E.D. Tex.). Pet. 3–4.

Patent Owner acknowledges the same proceedings, and identifies the following matters concerning the '251 patent: IPR2018-00817; IPR2018-00818; IPR2018-00819; IPR2018-00821; IPR2018-01079; IPR2018-01080; IPR2018-01082; IPR2018-01083; IPR2018-01084; IPR2018-01085; IPR2018-01086; IPR2018-01087; and IPR2018-01088.¹ Paper 5, 2–4.

B. The '251 Patent

The '251 patent specification (the “Specification”) describes a communications method and system using a plurality of cellular phones each having an integrated Personal Digital Assistant (PDA), Global Positioning System (GPS) receiver, and Advanced Communication Software (ACS) for the management of a plurality of people through the use of a remote server on a communications network. Ex. 1001, 1:33–42. The Specification describes rapidly establishing an ad hoc network of devices (e.g., smartphones, PDAs, or personal computers) with users, such as first responders in an emergency situation, logging onto a network using the network’s name and security key (a common “password” for everyone). *Id.* at Abstract, 4:4–15. Once logged on, the user’s devices exchange each other’s identity, location, and status information via the remote server. *Id.* at 5:13–22. “Each cellular phone/PDA/GPS user device is identified on a map display of the other network participant users’ phone devices by a display symbol that is generated on each user phone display to indicate each user’s own location and identity.” *Id.* at 7:52–56. These symbols are user-selectable and are positioned on a geographical map of an interactive display with georeferenced entities. *Id.* at 6:18–23, 6:59–6:66, Fig. 1. Each symbol

¹ *Inter partes* review was denied in IPR2018-00817 and IPR2018-00818.

is placed at the correct geographical location on the user display, is correlated with the map on the display, and is transmitted and automatically displayed on the other network participants' PC and PDA devices. *Id.* at 7:56–60. Network users communicate or send data to another network user by selecting the user's symbol and the desired action using a software switch. *Id.* at 7:9–17.

Figure 1 of the '251 patent is set out below.

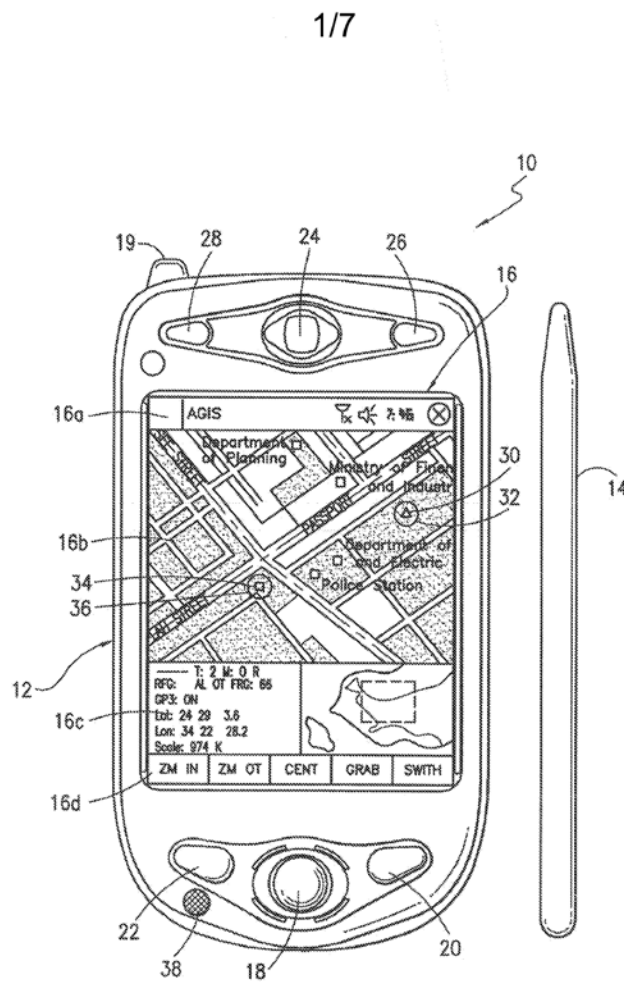


FIG. 1

Figure 1, shown above, depicts a user's digital device 10 (cellular phone/PDA/GPS) having a touch screen 16 displaying a geographical map 16b with georeferenced entities 30, 34. *Id.* at 4:48–49, 6:19–23, 6:59–7:8.

C. Challenged Claims

Claims 1 and 24 are independent and are substantially similar—the principal difference being that claim 1 recites a computer-implemented method and claim 24 recites a system. Claim 1 is illustrative.

1. A computer-implemented method comprising:

[1a] with a first device, receiving a message from a second device, wherein the message relates to joining a group;

[1b] based on receiving the message from the second device, participating in the group, wherein participating in the group includes sending first location information to a server and receiving second location information from the server, the first location information comprising a location of the first device, the second location information comprising a plurality of locations of a respective plurality of second devices included in the group;

[1c] presenting, via an interactive display of the first device, a first interactive, georeferenced map and a plurality of user-selectable symbols corresponding to the plurality of second devices, wherein the symbols are positioned on the first georeferenced map at respective positions corresponding to the locations of the second devices, and wherein the first georeferenced map includes data relating positions on the first georeferenced map to spatial coordinates;

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