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.

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Case IPR2018-01082
Patent 9,445,251 B2

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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 13–19, and 21 (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 is filing petitions challenging the '251 patent in the following proceedings: IPR2018-01081, IPR2018-01083, and IPR2018-01084. Pet. 2–3. Petitioner also advises that the '251 patent is being challenged in IPR2018-00817. *Id.* at 3. Petitioner further advises that the '251 patent is the subject of the following civil actions: *AGIS Software Development LLC v. Huawei Device USA Inc. et al.,* No. 2:17-cv-00513 (E.D. Tex.); *AGIS Software Development LLC v. HTC Corporation,* No. 2:17-cv-00514 (E.D. Tex.); *AGIS Software Development LLC v. LG Electronics, Inc.,* No. 2:17-cv-00515 (E.D. Tex.); *AGIS Software Development LLC v. Apple Inc.*, No. 2:17-cv-00516-JRG (E.D. Tex.); and

AGIS Software Development LLC v. ZTE Corporation et al., No. 2:17-cv-
00517 (E.D. Tex.). *Id.* at 4.

Patent Owner acknowledges the same proceedings, and identifies the
following related matters concerning the '251 patent: IPR2018-00817;
IPR2018-00818; IPR2018-00819; IPR2018-00821; IPR2018-01079;
IPR2018-01080; IPR2018-01081; 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

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

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 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.

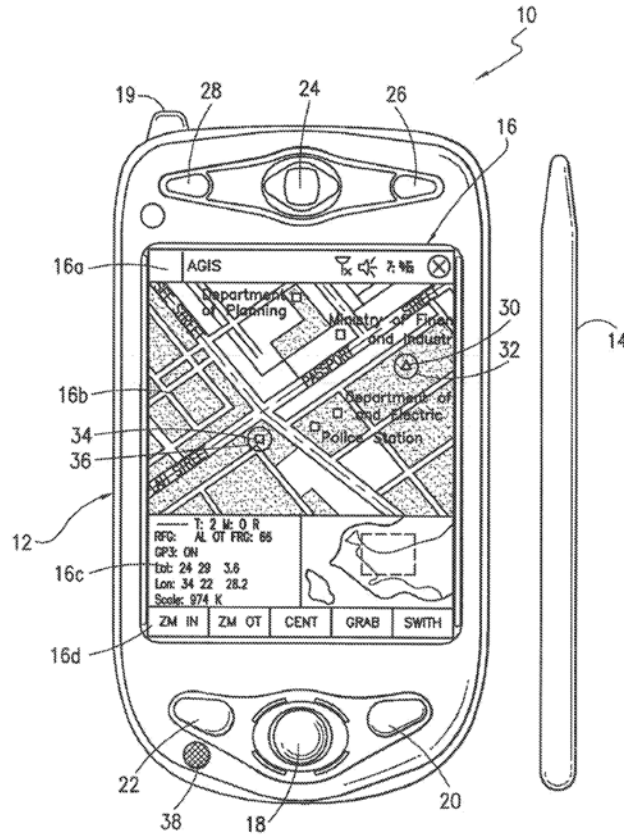Figure 1 of the '251 patent is set out below.

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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*

Challenged claims 13–19, and 21 depend, directly or indirectly, from independent claim 1. Because dependent claims incorporate all the limitations of the claims they depend from, Petitioner acknowledges implicitly that it must first establish that the recited art teaches or suggests

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