UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT LLC, Patent Owner.

Patent No. 9,445,251
Issue Date: September 13, 2016
Title: METHOD TO PROVIDE AD HOC AND PASSWORD PROTECTED DIGITAL AND VOICE NETWORKS

PATENT OWNER'S PRELIMINARY RESPONSE

Case No. IPR2018-01083



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Page(s) **Cases** Apple, Inc. v. Contentguard Holdings, Inc., Broadcom Corp. v. Emulex Corp., In re Donaldson Co., Facebook, Inc. v. Sound View Innovations, LLC, Case Nos. IPR2017-00998 & IPR2017-01002 (P.T.A.B., Sept. 5, Fresenius USA, Inc. v. Baxter Int'l, Inc., Graham v. John Deere Co., Innogenetics, N.V. v. Abbott Labs., Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd., Key Pharm. v. Hercon Labs. Corp., KSR Int'l Co. v. Teleflex Inc., Los Angeles Biomedical Research Inst. at Harbor-UCLA Med. Ctr. v. Eli Lilly & Co., 849 F.3d 1049 (Fed. Cir. 2017)16 N. Telecom Ltd. v. Samsung Elecs. Co.,



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