Filed on behalf of Google LLC

By: Robert E. Sokohl, Reg. No. 36,013 Ryan C. Richardson, Reg. No. 67,254 Dohm Chankong, Reg. No. 70,524 Sterne, Kessler, Goldstein & Fox PLLC 1100 New York Avenue, NW Washington, D.C. 20005 Tel: (202) 371-2600 Fax: (202) 371-2540

## UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

## GOOGLE LLC Petitioner

v.

AGIS SOFTWARE DEVELOPMENT, LLC Patent Owner

> Case IPR2018-01084 Patent 9,445,251

## PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,445,251

#### Mail Stop "PATENT BOARD"

Patent Trial and Appeal Board U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

DOCKE

Δ

## **TABLE OF CONTENTS**

EXHIBIT LIST			
I.	Mandatory Notices (37 C.F.R. § 42.8(a)(1))		
II.	Grounds for Standing (37 C.F.R. § 42.104(a))5		
III.	Identification of Challenge (37 C.F.R. § 42.104(b))5		
A.	Statutory Ground for the Challenge		
B.	Citation of Prior Art5		
IV.	The '251 Patent7		
A.	Background of the '251 Patent7		
B.	Level of Ordinary Skill in the Art10		
C.	Claim Construction		
1.	"second georeferenced map"11		
V.	Ground of Rejection13		
A. Murai	Claim 1 is Obvious Over Fumarolo-782 in View of Fumarolo-844, matsu, and Liu		
1.	Overview		
2.	The combination of Fumarolo-782, Fumarolo-844, Muramatsu, and Liu renders independent claim 1 obvious		
B. Ground 1: Claims 13-19 and 21 are Obvious Over Fumarolo-782 in View of Fumarolo-844, Muramatsu, Liu, and Spaargaren			
1.	Overview		
2.	Claim 13 is obvious		
3.	Claim 14 is obvious		
4.	Claim 15 is obvious		
5.	Claim 16 is obvious		
6.	Claim 17 is obvious		
7.	Claim 18 obvious		
8.	Claim 19 is obvious		
9.	Claim 21 is obvious		
C.	The Dependent Claims Merely Recite Obvious Design Choices70		
VI.	The Instant Petition Should be Instituted Under § 325(d)71		

VII.	Conclusion75
	The Instant Petition is Not Cumulative with the Petition filed in IPR2018- and Both Petitions Should be Instituted74
B. Petitio	The Instant Petition is Not Cumulative with the Concurrently-Filed ons Based on Fumarolo and Haney and Each Petition Should be Instituted. 72
A. Consi	The References in the Instant Petition Were Either Not Cited And/Or Not dered by the Office During Examination of the '251 Patent71

## EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 9,445,251 B2 to Beyer, Jr. <i>et al.</i> ("251 patent")
1002	Prosecution History of U.S. Patent No. 9,445,251 B2 (Application
1002	No. 14/633,804)
1003	Declaration of David Hilliard Williams ("Williams Dec.")
1004	Curriculum Vitae of David Hilliard Williams
1005	U.S. Patent No. 6,366,782 B1 to Fumarolo <i>et al.</i> ("Fumarolo-782")
1006	U.S. Patent No. 6,204,844 B1 to Fumarolo <i>et al.</i> ("Fumarolo-844")
1007	U.S. Publication No. 2002/0173906 A1 to Muramatsu
1007	("Muramatsu")
1008	U.S. Publication No. 2002/0027901 to Liu et al. ("Liu")
1009	Intl. Publication No. WO 02/17567 A2 to Spaargaren
1007	("Spaargaren")
1010	Plaintiff's Original Complaint for Patent Infringement, AGIS
	Software Development LLC v. Huawei Device USA Inc., et al., Case No. 2:17-cv-00513 (TXED), filed June 21, 2017.
	("Infringement Complaint")
1011	U.S. Patent No. 7,031,728 to Beyer, Jr., issued April 18, 2006
	("'728 Patent'')
1012	U.S. Patent No. 7,630,724 to Beyer, Jr., <i>et al.</i> , issued December 8, 2009 ("724 Patent")
1013	911 and E911 Services, Federal Communications Commission,
	www.fcc.gov/e911 (last visited May 7, 2018)
1014	Fact Sheet, FCC Wireless 911 Requirements (January 2001),
	available at https://transition.fcc.gov/pshs/services/911-
101=	services/enhanced911/archives/factsheet_requirements_012001.pdf
1015	Jock Christie, et al., Development and Deployment of GPS Wireless
	<i>Devices for E911 and Location Based Services</i> (Position, Location, and Navigation Symposium, 2002) ("Christie")
1016	Dale N. Hatfield, A Report on Technical and Operational Issues
1010	Date 13. Hallou, A Report on rechnical and Operational Issues

DOCKET ALARM Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

Exhibit No.	Description
	<i>Impacting The Provision of Wireless Enhanced 911 Services</i> , Federal Communications Commission (2002) ("Hatfield")
1017	Charles E. Perkins, "Ad Hoc Networking." Nokia Research Center (November 28, 2000) ("Perkins")
1018	Duncan Scott Sharp, <i>Adapting Ad Hoc Network Concepts to Land</i> <i>Mobile Radio Systems</i> (1972 Ph.D. dissertation, University of Alberta) (on file with Simon Fraser University, December 2002) ("Duncan")
1019	Madhavi W. Subbarao, <i>Mobile Ad Hoc Data Networks for</i> <i>Emergency Preparedness Telecommunications - Dynamic Power-</i> <i>Conscious Routing Concepts</i> (Submitted as an interim project for Contract Number DNCR086200 to the National Communications Systems, February 1, 2000) ("Subbarao")
1020	Intentionally Left Blank
1021	McKinsey & Company, <i>The McKinsey Report : FDNY 9/11 Re-</i> sponse (2002) ("The McKinsey Report")
1022	William K. Rashbaum, <i>Report on 9/11 Finds Flaws In Response of Police Dept.</i> , N.Y. Times (July 27, 2002), <i>available at</i> http://www.nytimes.com/2002/07/27/nyregion/report-on-9-11-finds-flaws-in-response-of-police-dept.html?mcubz=0
1023	Fred Durso, Jr., <i>A Decade of Difference</i> , NFPA Journal (Sept. 1, 2011), <i>available at</i> http://www.nfpa.org/news-and-research/publications/nfpa-journal/2011/september-october-2011/features/a-decade-of-difference
1024	Rick Rotondo, "Locate-Track-Extract; Wireless Mesh Networking Allows Commanders to Keep Track of Firefighters at an Incident Scene," <i>Mission Critical Communications</i> , March 2004
1025	U.S. Patent Publication No. 2003/0100326 to Grube <i>et al.</i> , published May 29, 2003 ("Grube")
1026	U.S. Patent No. 6,654,683 to Jin <i>et al.</i> , issued November 25, 2003 ("Jin")
1027	U.S. Patent No. 6,119,017 to Cassidy <i>et al.</i> , issued September 12, 2000 ("Cassidy")
1028	Intentionally Left Blank

## DOCKET A L A R M



# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## **Real-Time Litigation Alerts**



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## **Advanced Docket Research**



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## **Analytics At Your Fingertips**



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

#### LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

#### FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.