

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. IPR2018-01084

---

**TABLE OF CONTENTS**

	<b>Page(s)</b>
I. INTRODUCTION .....	1
II. PETITIONER HAS NOT DEMONSTRATED A REASONABLE LIKELIHOOD OF SUCCESS FOR THE GROUNDS ADVANCED IN THE PETITION, AND THE PETITION SHOULD BE DENIED .....	4
A. Requirements for Showing Obviousness Under 35 U.S.C. § 103 .....	4
B. Ground 1 Is Deficient Because Fumarolo Is Directed to a Completely Different Technological Field and There Is No Motivation to Combine Fumarolo with the Secondary References .....	7
C. Ground 1 Is Deficient Because the Prior Art Does Not Disclose or Suggest the Claimed “First Device” and Petitioner Does Not Provide a Proper Motivation to Combine the References.....	14
D. Ground 1 Is Deficient Because the Prior Art Fails to Disclose or Suggest “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” .....	16
E. Ground 1 Is Deficient Because The Prior Art Does Not Disclose or Suggest the Claimed “with a first device, receiving a message from a second device, wherein the message relates to joining a group” .....	20
F. Ground 1 Is Deficient Because Liu Is Directed to a Completely Different Technological Field and There Is No Motivation to Combine Any of the References with Liu.....	21

G. Ground 1 Is Deficient Because Spaargaren Is Directed to a Completely Different Technological Field and There Is No Motivation to Combine Any of the References with Spaargaren ..... 22

III. CONCLUSION.....24

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Apple, Inc. v. Contentguard Holdings, Inc.</i> , Case No. IPR2015-00355 (P.T.A.B., June 26, 2015).....	4
<i>Broadcom Corp. v. Emulex Corp.</i> , 732 F.3d 1325 (Fed. Cir. 2013) .....	5
<i>Fresenius USA, Inc. v. Baxter Int’l, Inc.</i> , 582 F.3d 1288 (Fed. Cir. 2009) .....	6
<i>Graham v. John Deere Co.</i> , 383 U.S. 1 (1966).....	4
<i>Innogenetics, N.V. v. Abbott Labs.</i> , 512 F.3d 1363 (Fed. Cir. 2008) .....	5
<i>Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.</i> , 821 F.3d 1359 (Fed. Cir. 2016) .....	5
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	4
<i>Los Angeles Biomedical Research Inst. at Harbor-UCLA Med. Ctr. v. Eli Lilly &amp; Co.</i> , 849 F.3d 1049 (Fed. Cir. 2017) .....	5
<i>Pers. Web Techs., LLC v. Apple, Inc.</i> , 848 F.3d 987 (Fed. Cir. 2017) .....	4
<i>Stratoflex, Inc. v. Aeroquip Corp.</i> , 713 F.2d 1530 (Fed. Cir. 1983) .....	4
<i>In re Van Os</i> , 844 F.3d 1359 (Fed. Cir. 2017) .....	5

**Statutes**

35 U.S.C. § 103 .....3  
35 U.S.C. § 112 .....6  
35 U.S.C. § 314(a) .....3

**Other Authorities**

37 C.F.R. § 42.104 .....6, 14, 16  
MPEP 2143.01 .....22

# 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.