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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re *Inter Partes* Review of:	)
U.S. Patent No. 8,213,970	)
Issued: July 3, 2012	)
Application No.: 12/324,122	)

For: Method of Utilizing Forced Alerts for Interactive Remote Communications

FILED VIA E2E

~~UNITED STATES PATENT AND TRADEMARK OFFICE~~

~~BEFORE THE PATENT TRIAL AND APPEAL BOARD~~

~~GOOGLE LLC,~~
~~Petitioner~~

~~v.~~

~~AGIS SOFTWARE DEVELOPMENT, LLC,~~
~~Patent Owner~~

~~Case IPR2018-01079~~
~~Patent 8,213,970~~

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PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,213,970

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IV. CLAIM CONSTRUCTION 8

A. Relevant law and person of ordinary skill in the art 8

B. "data transmission means" 10

C. "means for attaching . . ." 10

D. "means for requiring . . ." 10

E. "means for receiving and displaying a listing of which recipient PDA/cell phones have automatically acknowledged . . ." 11

F. "means for periodically resending . . ." 11

G. "means for receiving and displaying a listing of which recipient PDA/cell phones have transmitted . . ." 12

V. IDENTIFICATION OF CHALLENGE 12

A. Ground 1: Claims 1 and 3-9 are obvious over Kubala and Hammond—references that are prior art to the '970 patent's *actual* filing date (November 26, 2008). 13

1. Overview: Kubala discloses PDAs that send and receive mandatory-response messages, and Hammond tracks acknowledgements of and responses to such messages. 18

2. Independent claim 1 23

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3. Dependent claim 3 40

4. Dependent claim 4 40

5. Dependent claim 5 41

6. Independent claim 6 42

7. Dependent claim 7 47

8. Dependent claim 8 50

9. Dependent claim 9 50

B. Ground 2: Claims 1 and 3-9 are obvious over Hammond in view of Johnson and Pepe—references that are prior art to the '970 patent's *earliest effective* filing date (September 21, 2004). 51

1. Overview: Hammond tracks acknowledgements of and responses to mandatory-response messages; Johnson prevents a user from closing a mandatory-response message that has not been responded to; and Pepe discloses PDAs that provide an on-screen menu of possible responses to an incoming message. 52

2. Independent claim 1 54

3. Dependent claim 3 66

4. Dependent claim 4 66

5. Dependent claim 5 67

6. Independent claim 6 68

7. Dependent claim 7 75

8. Dependent claim 8 76

9. Dependent claim 9 77

C. Ground 3: Claims 1 and 3-9 are obvious over Hammond in view of Johnson, Pepe, and Banerjee. 77

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VI. THE CIRCUMSTANCES OF THIS PETITION ~~CONTAINS NEW ARGUMENTS AND PRIOR ART NOT PREVIOUSLY PRESENTED TO THE OFFICE~~DO NOT JUSTIFY DENIAL UNDER § 314(a) OR § 325(d). 78

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