

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

AGIS SOFTWARE DEVELOPMENT LLC

Plaintiff,

v.

HUAWEI DEVICE USA INC.,
HUAWEI TECHNOLOGIES USA INC.,
AND
HUAWEI TECHNOLOGIES CO., LTD.,

Defendants.

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Case No. 2:17-cv-513

JURY TRIAL DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, AGIS Software Development, LLC ("AGIS Software" or "Plaintiff") files this Original Complaint against Defendants Huawei Device USA Inc., Huawei Technologies USA Inc., and Huawei Technologies Co., Ltd. (collectively, "Defendants" or "Huawei") for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1. Plaintiff, AGIS Software, is a limited liability company organized and existing under the laws of the State of Texas, and maintains its principal place of business at 100 W. Houston Street, Marshall, Texas 75670. AGIS Software is the owner of all right, title, and interest in and to U.S. Patent Nos. 9,467,838, 9,445,251, 9,408,055, and 8,213,970 (collectively, the "patents-in-suit").

2. Upon information and belief, Defendant Huawei Technologies Co., Ltd. is a Chinese company that does business in Texas, directly or through intermediaries, and maintains

its principal place of business in Shenzhen, China. Upon information and belief, Huawei Technologies Co., Ltd. does business in Texas, directly or through intermediaries and offers its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the judicial Eastern District of Texas.

3. Upon information and belief, Defendant Huawei Device USA Inc., is a Texas corporation with its principal place of business located at 5700 Tennyson Parkway, Suite 600, Plano, Texas 75024, and may be served with process through its registered agent, CT Corporation System, 350 North Paul St., Ste. 2900, Dallas, Texas 75201. Upon information and belief, Huawei Device USA Inc. is a wholly-owned subsidiary of Huawei Technologies Co., Ltd.

4. Upon information and belief, Defendant Huawei Technologies USA, Inc., is a Texas corporation with its principal place of business located at 5700 Tennyson Parkway, Suite 500, Plano, TX 75024 and may be served with process through its registered agent, CT Corporation System, 1999 Bryan St., Suite 900, Dallas, TX 75201-3136. Upon information and belief, Huawei Device USA Inc. is a wholly-owned subsidiary of Huawei Technologies Co., Ltd.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, et seq. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

6. This Court has personal jurisdiction over Defendants. Defendants conduct business and have committed acts of patent infringement and/or have induced acts of patent infringement by others in this judicial district and/or have contributed to patent infringement by others in this judicial district, the State of Texas, and elsewhere in the United States.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). Huawei Technologies Co., Ltd. is a foreign corporation and may be sued in this judicial district. Venue is further proper against Huawei Technologies USA Inc. and Huawei Device USA Inc. because both companies are incorporated in the State of Texas and, thus, reside in Texas. Venue is further proper because Defendants together have regular and established places of business in this judicial district, including in Plano, are deemed to reside in this judicial district, have committed acts of infringement in this judicial district, and/or have purposely transacted business involving the accused products in this judicial district.

PATENTS-IN-SUIT

8. On July 3, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,213,970 (the “’970 Patent”) entitled “Method of Utilizing Forced Alerts for Interactive Remote Communications.” A true and correct copy of the ’970 Patent is attached hereto as Exhibit A.

9. On August 2, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,408,055 (the “’055 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’055 Patent is attached hereto as Exhibit B.

10. On September 13, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,445,251 (the “’251 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’251 Patent is attached hereto as Exhibit C.

11. On October 11, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,467,838 (the “’838 Patent”) entitled “Method to Provide Ad Hoc

and Password Protected Digital and Voice Networks.” A true and correct copy of the ’838 Patent is attached hereto as Exhibit D.

FACTUAL ALLEGATIONS

12. Malcolm K. “Cap” Beyer, Jr., a graduate of the United States Naval Academy and a former U.S. Marine, is the CEO of AGIS Software and a named inventor of the AGIS patent portfolio. Mr. Beyer founded Advanced Ground Information Systems, Inc. (“AGIS, Inc.”) shortly after the September 11, 2001, terrorist attacks because he believed that many first-responder and civilian lives could have been saved through the implementation of a better communication system. He envisioned and developed a new communication system that would use integrated software and hardware components on mobile devices to give users situational awareness superior to systems provided by conventional military and first-responder radio systems.

13. AGIS, Inc. developed prototypes that matured into its LifeRing system. LifeRing provides first responders, law enforcement, and military personnel with what is essentially a tactical operations center built into hand-held mobile devices. Using GPS-based location technology and existing or special-purpose cellular communication networks, LifeRing users can exchange location, heading, speed, and other information with other members of a group, view each other’s locations on maps and satellite images, and rapidly communicate and coordinate their efforts. The system also interfaces with military command-and-control systems, such as GCCS, JCR, AFATDS, C2PC, and FBCB2.

14. AGIS Software licenses its patent portfolio, including the ’970, ’055, ’251, and ’838 Patents to AGIS, Inc. AGIS, Inc.’s LifeRing product practices one or more of the patents in the AGIS portfolio and AGIS, Inc. has marked its products accordingly.

15. AGIS Software and all previous assignees of the patents-in-suit have complied with the requirements of 35 U.S.C. § 287(a).

16. Non-party Google, Inc. (“Google”) licenses the Android operating system to third parties, including Defendants, who design their own products that utilize the Android operating system. The Android operating system is the most widely used in smartphones and other mobile devices.

17. Defendants manufacture, use, sell, offer for sale, and/or import into the United States electronic devices, such as Android-based smartphones and tablets (including, but not limited to, the Union, Mate 9, Nexus 6P, GX8, and P8lite) (collectively, the “Accused Devices”), all of which are pre-configured or adapted with map-based communication applications and/or features such as Google Maps, Android Device Manager, Find My Phone, Find My Device, Google Messages, Android Messenger, Google Hangouts, Google Plus, and Google Latitude, among other applications and/or features relevant to the patents-in-suit. The Accused Devices include software, including but not limited to the above-listed applications and/or features as components of its operating system and as downloads from a pre-installed application store, such as the Play Store, in the Accused Devices. The Accused Devices include functionality that allows users to form groups with other users such that users may view each others’ locations on a map and engage in communication including text, voice, and multimedia based communication. Additionally, the users may form groups that include their own devices in order to track their own lost or stolen devices as shown below.

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