UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
Petitioner

v.

AGIS SOFTWARE DEVELOPMENT LLC
Patent Owner

.....

IPR2023-00056 U.S. Patent No. 8,213,970

**DECLARATION OF DAVID HILLIARD WILLIAMS** 



### **TABLE OF CONTENTS**

EXH	IBILI		X1V
CLA	IM LI	STING	xvi
I.	Over	view	1
II.	List	of Documents Considered in Formulating My Opinion	2
III.	Qualifications		5
IV.	Legal Principles		9
	A.	My Understanding of Claim Construction	9
	B.	My Understanding of Obviousness	10
V.	Leve	el of Ordinary Skill in the Art	13
VI.	Over	view of the '970 Patent	14
VII.	Understanding of Certain Claim Terms		14
	A.	"data transmission means" (limitation [2.b])	15
	B.	"means for attaching" (limitation [2.e])	15
	C.	"means for requiring" (limitation [2.f])	16
	D.	"means for receiving and displaying a listing of which recipient PDA/cell phones have automatically acknowledged" (limitation [2.g])	16
	E.	"means for periodically resending" (limitation [2.h])	
	F.	"means for receiving and displaying a listing of which recipient PDA/cell phones have transmitted" (limitation [2.i])	17
	G.	"means for displaying" (limitation [2.j])	17



	Н.	"means for obtaining" (limitation [2.k])	18
	I.	"means for presenting" (limitation [2.1])	18
	J.	"means for transmitting" (limitation [2.m])	18
	K.	"means for controlling" (limitation [2.n])	19
	L.	"means for allowing and transmitting" (limitation [2.0])	19
	M.	"means for clearing" (limitation [2.p])	19
	N.	"forced message alert" (limitation [2.e])	20
VIII.	Over	view of the State of the Art at the Time of Filing	20
	A.	Sending and Receiving Mandatory Responses in Electronic Messaging were Known	21
	B.	Industry Trend: Applications on Cell Phones and/or Personal Communications Devices	23
	C.	Tracking Delivery and Responses of Electronic Messages was Known	28
	D.	Personal Digital Assistant (PDA) with Touchscreen and Stylus were Known	30
	E.	Sending Alerts to a Recipient of an Email Message with a Mandatory Response was Known	31
	F.	Displaying a Map on a PDA/Cell Phone Including Received Location Information of Other PDAs/Cell Phones was Known	34
IX.	Analy	ysis of Disclosure in Earlier-Filed Applications	39
X.	Grou	nd of Unpatentability	43
	A.	Ground 1: Claims 2 and 10-13 are obvious over Kubala in view of Hammond and Emigh	43



1.	Overview of Kubala	43	
2.	Overview of Hammond		
3.	Overview of Emigh		
4.	Overview of the Combination of Kubala and Hammond	50	
5.	Motivation to Combine Hammond with Kubala	51	
6.	Motivation to Combine Emigh with Kubala and Hammond	55	
7.	Claims 2 and 10-13 are obvious over Kubala in view of Hammond and Emigh	56	
	(a) Claim 2	56	
	[2.preamble] A communication system for transmitting, receiving, confirming receipt, and responding to an electronic message, comprising:	57	
	[2.a] a predetermined network of participants, wherein each participant has a similarly equipped PDA/cell phone that includes a CPU and a touch screen display a CPU and memory;	57	
	[2.b] a data transmission means that facilitates the transmission of electronic files between said PDA/cell phones in different locations;	60	
	[2.c] a sender PDA/cell phone and at least one recipient PDA/cell phone for each electronic message:	61	



[2.d] a forced message alert software application program including a list of required possible responses to be selected by a participant recipient of a forced message response loaded on each participating PDA/cell phone;	62
[2.e] means for attaching a forced message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender PDA/cell phone to the recipient PDA/cell phone, said forced message alert software packet containing a list of possible required responses and requiring the forced message alert software on said recipient PDA/cell phone to transmit an automatic acknowledgment to the sender PDA/cell phone as soon as said forced message alert is received by the recipient PDA/cell phone;	
[2.f] means for requiring a required manual response from the response list by the recipient in order to clear recipient's response list from recipient's cell phone display;	69
[2.g] means for receiving and displaying a listing of which recipient PDA/cell phones have automatically acknowledged the forced message alert and which recipient PDA/cell phones have not automatically acknowledged the forced message alert;	71
[2.h] means for periodically resending said forced message alert to said recipient PDA/cell phones that have not automatically acknowledged the forced message alert; and	75



# DOCKET

# 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.

