

# EXHIBIT 2

**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  
DEVICE CO., LTD. AND HUAWEI DEVICE  
(DONGGUAN) CO., LTD.,  
HTC CORPORATION,  
LG ELECTRONICS, INC.,  
APPLE INC.,  
ZTE CORPORATION, ZTE (USA), INC.,  
AND ZTE (TX), INC.,

Defendants.

Civil Action No. 2:17-CV-513-JRG (Lead  
Case)

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Civil Action No. 2:17-CV-516-JRG  
Civil Action No. 2:17-CV-517-JRG

**DEFENDANT APPLE'S AMENDED PATENT RULE 3-3 INVALIDITY CONTENTIONS**

knowledge to demonstrate what one of ordinary skill would have understood at the times prior to the date of alleged invention of the asserted claims of the patents-in-suit.

### **C. Anticipation And Obviousness**

Pursuant to P.R. 3-3, in the claim charts attached (amended Exhibits B-1, B-2, B-14, C-1, C-2, C-14, D-1, D-2, D-14, E-1, E2, and E-14), and those served as exhibits to Apple's Invalidity Contentions on December 1, 2017 (Exhibits A-1 to A-5, B-1 to B-14, C-1 to C-14, D-1 to D-14, and E-1 to E-14), Apple identifies the prior art now known by Apple to anticipate the asserted claims of the patents-in-suit under at least pre-AIA 35 U.S.C. §§ 102(a), (b), (e), and/or (g), and AIA 35 U.S.C. §§ 102(a)(1) and/or (a)(2), either expressly or inherently as understood by a person having ordinary skill in the art. Additionally, pursuant to P.R. 3-3, in the claim charts attached as well as those served as exhibits to Apple's Invalidity Contentions on December 1, 2017, Apple identifies prior art references now known by Apple that either alone or in combination with other prior art (as identified in the charts), and/or when combined with the knowledge of one of ordinary skill in the art, render the asserted claims of the patents-in-suit invalid as obvious under (pre-AIA and AIA) 35 U.S.C. § 103. In certain instances, the suggested obviousness combinations are provided in the alternative to Apple's anticipation contentions, which shall not be construed to suggest that any reference included in the combinations is not by itself anticipatory.

Regarding the patents-in-suit, one of ordinary skill in the art would have been motivated to combine prior art references that are concerned with location and position tracking, mapping, and communication between users of devices, including mobile devices. For example, the APRS, BuddySpace, ActiveCampus, FCB2, AT&T Find Friends, AGIS LifeRing, and Navizon systems, as well as at least the Altman, Weber, Karam, Poulin, Sheha, Sandu, Emigh, Haney, Brewer, and Hutton references, are all concerned with the exchange of location-based data and information

between users of wireless devices. Each of those systems or references generally seeks to solve problems associated with coordinating the positions or activities of members of a group, such as military units, emergency personnel, or groups of friends. Therefore, someone of skill in the art at the time of the alleged inventions would have been motivated to combine the teachings of those and similar references that deal with improving systems and methods for location tracking, mapping, and communicating between users of devices (including mobile devices) to meet the limitations of the various claim elements.

Similarly, the Ordille, Tanumihardja, Sweeney, Roujinsky, Eaton, Seppanen, and Zimmers references are generally related to the sending, receiving, and tracking of messages between wireless devices. Each of those references further seeks to solve problems associated with sending and receiving messages among groups of people who are located in different places. Accordingly, someone of skill in the art at the time of the alleged inventions would have been motivated to combine the teachings of those and similar references that deal with improving systems and methods for the transmission of messages among devices located in different places.

The claim charts attached hereto provide additional detail and explanation concerning the motivation to combine the teachings of certain references and/or modify the disclosures of the prior art references.

As demonstrated in the claim charts attached (amended Exhibits B-1, B-2, B-14, C-1, C-2, C-14, D-1, D-2, D-14, E-1, E-2, and E-14) and those served as exhibits to Apple's Invalidity Contentions on December 1, 2017 (Exhibits A-1 to A-5, B-1 to B-14, C-1 to C-14, D-1 to D-14, and E-1 to E-14), each of the asserted claims of the '970, '055, '251, '838, and '829 patents is invalid: (a) under 35 U.S.C. § 102 as anticipated by one or more of the following references, and/or (b) under 35 U.S.C. § 103 as obvious in light of one or more of the following references

either individually or in combination. These references are prior art under at least pre-AIA 35

U.S.C. §§ 102(a), (b), (e), (g), AIA 35 U.S.C. § 102(a)(1) and/or (a)(2), and/or (pre-AIA and AIA)

35 U.S.C. § 103(a).

- United States Patent Publication No. 2003/0217109, entitled “Method and Apparatus for Automatic Notification and Response” to Ordille, published Sept. 11, 2008 (APL-AGIS\_00012105 - APL-AGIS\_00012144).
- United States Patent Application No. 08/0219416, entitled “Method and System for Obtaining Feedback from At Least One Recipient Via a Telecommunication Network” to Roujinsky, published Sept. 11, 2008 (APL-AGIS\_00012145 - APL-AGIS\_00012161).
- United States Patent No. 7,609,669, entitled “Voice Directed System and Method Configured for Assured Messaging to Multiple Recipients” to Sweeney, issued October 27, 2009 (APL-AGIS\_00012170 - APL-AGIS\_00012180).
- United States Patent No. 7,386,589, entitled “Managed Messaging Platform with Message Response Aggregation” to Tanumihardja, issued June 10, 2008 (APL-AGIS\_00012181 - APL-AGIS\_00012235).
- United States Patent No. 6,816,878, entitled “Alert Notification System” to Zimmers, issued on November 9, 2004 (APL-AGIS\_00012236 - APL-AGIS\_00012283).
- United States Patent No. 5,692,032, entitled “Mobile Terminal Having One Key User Message Acknowledgment Function” to Seppanen, issued November 11, 1995 (APL-AGIS\_00012162 - APL-AGIS\_00012169).
- United States Patent Publication No. 2006/0178128, entitled “Method of operating a mobile communication device and mobile communication system during an emergency situation” to Eaton, published August 10, 2006 (APL-AGIS\_00012094 - APL-AGIS\_00012104).
- United States Patent Application No. 2007/0281690, entitled “Displaying and Tagging Places of Interest on Location-Aware Mobile Communication Devices in a Local Area Network” to Altman, published December 6, 2007 (APL-AGIS\_00011797 - APL-AGIS\_00011823).
- United States Patent No. 7,353,034, entitled “Location Sharing and Tracking using Mobile Phones or other Wireless Devices” to Haney, issued Apr. 1, 2008 (APL-AGIS\_00011875 - APL-AGIS\_00011939).
- United States Patent No. 7,917,866, entitled “Method, System, and Graphical User Interface for Meeting-Spot-Related Online Communications” to Karam, issued March 29, 2011 (APL-AGIS\_00011940 - APL-AGIS\_00011962).

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