

EXHIBIT 3

le's Invalidation Contentions Under Patent Rule 3-3
bit D-14

INVALIDITY OF U.S. PATENT NO. 9,467,838 (the "838 patent")

by

FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW ("FBCB2")

As explained in the cover pleading to Apple's invalidity contentions, Plaintiff has not and cannot demonstrate that the '838 patent is entitled to a priority date earlier than October 31, 2014, the effective filing date of Appl. No. 14/027,410. On information and belief, the FBCB2 system including at least FBCB2 software versions 3.2, 3.3, and 3.4 and hardware made by Litton and Paravant) was in public use and/or available to the public no later than March 21, 2003, and was made available by the U.S. Army. The FBCB2 system, as set forth in this chart, anticipates the asserted claims of the '838 patent at least under pre-AIA 35 U.S.C. §§ 102(a) and (g)(2) (and AIA 35 U.S.C. §§ 102(a)(1)), and/or renders the asserted claims obvious under 35 U.S.C. § 103 either alone, in combination with the general knowledge of one of ordinary skill in the art, and/or in combination with the references identified in Apple's invalidity contentions, including as set forth in this chart. On information and belief, the FBCB2 system is described at least in the following documents and other materials cited in this chart:

- 1) *Force XXI Battle Command Brigade and Below-Blue Force Tracking (FBCB2-BFT). A Case Study in the Accelerated Acquisition of a Digital Command and Control System during Operations Enduring Freedom and Iraqi Freedom*, by James L. Conatser and Vincent E. Grizio, dated December 2005 and retrieved from <http://www.dtic.mil/dtic/tr/fulltext/u2/a443273.pdf> on November 21, 2017 ("FBCB2-1") (APL-AGIS_00012804 - APL-AGIS_00012876).
- 2) *Blue Force Tracking The Afghanistan and Iraq Experience and Its Implications for the U.S. Army*, by Richard J. Dunn, III, stamped with a copyright dated 2003 and retrieved from <http://www.northropgrumman.com/AboutUs/AnalysisCenter/Documents/pdfs/BFT-Afghanistan-and-Iraq-Exper.pdf> on November 21, 2017 ("FBCB2-2") (APL-AGIS_00012877 - APL-AGIS_00012896).
- 3) *FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)*, retrieved from <https://web.archive.org/web/20170204113146/http://www.dote.osd.mil/pub/reports/FY1999/pdf/army/99fbc2.pdf> on November 21, 2017 ("FBCB2-3") (APL-AGIS_00012800 - APL-AGIS_00012803).
- 4) *FBCB2-BFT Family of Products*, Northrop Grumman Space & Mission Systems Corp. (2003) ("FBCB2-4") (SIEGEL000001-SIEGEL000002)
- 5) *FBCB2 Blue Force Tracking* (Promotional Video), Northrop Grumman (2004) ("FBCB2-5") (SIEGEL000003)
- 6) Pamela Bowers, *The TRW Tactical Systems Division Builds the Next Generation of Tactical Army Operations Systems*, CrossTalk: The Journal of Defense Software Engineering (January 2002). ("FBCB2-6") (SIEGEL000004-SIEGEL000008)

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- T. Trent Gegax, *Wired for Battle*, Newsweek (March 3, 2003). ("FBCB2-7") (SIEGEL000009-SIEGEL000010)
- Vernon Loeb, *Digitized Battlefield Puts Friend and Foe in Sight*, Washington Post (March 3, 2003) ("FBCB2-8") (SIEGEL000011-SIEGEL000013)
- Lieutenant Colonel Marc LeGare, *Battle Command and Visualization*, Military Review (September-October 2002) ("FBCB2-9") (SIEGEL000014-SIEGEL000019)
- Neil Siegel, *Organizing Complex Projects Around Critical Skills, and the Mitigation of Risks Arising from System Dynamic Behavior*, Ph.D. Dissertation, University of Southern California (August 2011) ("FBCB2-10") (SIEGEL000020-SIEGEL000300)
- Personal User Data Terminal*, TRW Systems Ltd. (February 7, 2001) ("FBCB2-11") (SIEGEL000301-SIEGEL000302)
- Force XXI Battle Command Brigade-and-Below (FBCB2)*, TRW Systems Integration Group (1997) ("FBCB2-12") (SIEGEL000303 - SIEGEL000308)
- Information Dominance for Combat Power – Force XXI Battle Command Brigade and Below*, TRW Systems & Information Technology Group (2000) ("FBCB2-13") (SIEGEL000309-SIEGEL000312)
- The World's Only Existing Tactical Internet: The US Army's Force XXI Battle Command Brigade and Below*, Neil Siegel (Presentation at SMi Defense Conferences: Designing and Deploying Tactical Internets (May 24 1999) ("FBCB2-14") (SIEGEL000316-SIEGEL000332)
- U.S. Patent No. 6,212,559 ("FBCB2-15") (SIEGEL000333-SIEGEL000358)**
- US Army shares radios to avoid Gulf fratricide*, Kim Burger, Jane's Defence Weekly (March 12, 2003) ("FBCB2-16") (SIEGEL000359-SIEGEL000361)
- US Army expands battlefield digitization*, Scott Gourley, Jane's Defence Weekly (September 25, 2002) ("FBCB2-17") (SIEGEL000362-SIEGEL000364)
- Soldiers in Afghanistan to Receive New Blue Force Tracking System*, Emily Hsu, Inside the Army (October 28, 2002) ("FBCB2-18") (SIEGEL000365-SIEGEL000366)
- Technology Seeks to Erase Friendly Fire*, David McGuire, Newsbytes (March 27, 2003) ("FBCB2-19") (SIEGEL000367-SIEGEL000368)
- U.S. Patent No. 5,672,840 ("FBCB2-20") (SIEGEL000369-SIEGEL000376)
- U.S. Patent No. 6,904,280 ("FBCB2-21") (SIEGEL000377-SIEGEL000399)

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U.S. Patent No. 7,278,023 (“FBCB2-22”) (SIEGEL000400-SIEGEL000417)

U.S. Army Brings Digital Future to Persian Gulf, Frank Tiboni, Defense News (November 11, 2002) (“FBCB2-23”) (SIEGEL000418)

Apple reserves the right to further supplement its contentions and evidence concerning the FBCB2 system as discovery proceeds, including by submission of additional materials or other evidence describing the operation of the system.

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Limitation	Prior Art Disclosure
<p><i>m 1</i></p> <p>computer-implemented method comprising: performing, by a first device, joining a communication network corresponding to a group, wherein joining the communication network comprises transmitting a message including an identifier corresponding to the group;</p>	<p>FBCB2 discloses a computer-implemented method comprising: performing by a first device: joining a communication network corresponding to a group:</p> <p><i>See, e.g., FBCB2-2</i> at 4 “FBCB2 normally uses GPS transponders located in ground vehicles (typically the vehicles assigned to unit commanders at various levels) to report the location of the host vehicle.⁵ The FBCB2 equipment then retransmits its location to all units in the network via the Combat Net Radios (EPLRS and the standard Single Channel Ground and Airborne Radio System (SINGARS) radio nets). Each vehicle location is displayed as a blue icon on digital maps on computer screens mounted in the vehicles. Instead of a map covered with paper symbols, FBCB2-equipped commanders have computers that show their location as a screen icon on a digital map or overhead photograph, along with the icons of all FBCB2-equipped subordinate units and any other friendly units equipped with FBCB2 in the vicinity. This same information (along with enemy information input by intelligence staffs, operational control measures – such as unit operational boundaries – and danger areas) is displayed in command posts and vehicles at all levels of command. FBCB2 also allows users to send formatted or free-text e-mail messages – including orders and requests for support – to any other FBCB2-equipped unit simply by clicking on the unit’s icon. This freed tactical voice radio nets for higher priority messages.”</p> <p><i>See, e.g., FBCB2-2</i> at 7 “A Task Force 82 Blackhawk helicopter was on a mission in Afghanistan, close to dusk. A wind storm came up and visibility became very minimal, causing the aircraft to lose visible contact with the rest of the flight. The pilots were about to set the helicopter down in an unsecured area for the evening when the BFT operator, able to zoom in on the map, found the other aircraft. From his BFT screen, he was able to direct the pilot out of the dust and effect linkup with the flight.”</p> <p><i>See, e.g., FBCB2-1</i> at Figs 8, 9, 11</p>

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