

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

AGIS SOFTWARE DEVELOPMENT LLC, §
§ Case No. 2:17-CV-0513-JRG
§ (LEAD CASE)
Plaintiff, §
§ **JURY TRIAL DEMANDED**
v. §
§
HUAWEI DEVICE USA INC. ET AL., §
§ [REDACTED]
§
Defendants. §

APPLE, INC., § Case No. 2:17-CV-0516-JRG
§ (CONSOLIDATED CASE)
Defendant. §
§ **JURY TRIAL DEMANDED**

**PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S RESPONSE IN
OPPOSITION TO APPLE INC.'S SEALED MOTION FOR SUMMARY JUDGMENT
OF INVALIDITY OF U.S. PATENT NOS. 9,467,838; 9,445,251;
9,408,055; AND 9,749,829 UNDER 35 U.S.C. § 101 (DKT. 229)**

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Statutes

35 U.S.C. § 101..... *passim*

AGIS Software Development LLC (“AGIS”) hereby submits its Response in Opposition to Defendant Apple Inc.’s (“Apple”) Sealed Motion for Summary Judgment of Invalidity of U.S. Patent Nos. 9,467,838; 9,445,251; 9,408,055; and 9,749,829 Under 35 U.S.C. § 101 (Dkt. 229). AGIS respectfully submits that each of Apple’s arguments lacks merit and Apple’s motion should be denied in its entirety.

I. RESPONSE TO STATEMENT OF ISSUES

1. Whether the asserted claims of U.S. Pat. Nos. 9,467,838; 9,445,251; 9,408,055; and 9,749,829 are directed to patent-eligible subject matter under 35 U.S.C. § 101.

Response: Whether a “map room” is a non-abstract idea; whether the asserted claims of U.S. Pat. Nos. 9,467,838 (the “’838 Patent”); 9,445,251 (the “’251 Patent”); 9,408,055 (the “’055 Patent”); and 9,749,829 (the “’829 Patent”) are directed to more than merely a map room; and whether the asserted claims of U.S. Pat. Nos. 9,467,838; 9,445,251; 9,408,055; and 9,749,829 claim an inventive concept.

II. RESPONSE TO APPLE’S STATEMENT OF UNDISPUTED MATERIAL FACTS

A. The Present Lawsuit

1. Response: Undisputed that the claims set forth in paragraph 1 are asserted in this case. Disputed to the extent that Apple attempts to characterize the dependent claims as depending from the bolded independent claims.

2. Response: Undisputed

B. The Idea of a Map Room: Situational Awareness, Communications, Command and Control, And Common Operational Picture

3. Response: Disputed. Apple’s summary in paragraph 3 is a gross oversimplification of the technology at issue. Whether command and control systems were known in the art is an issue of material fact in dispute.

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