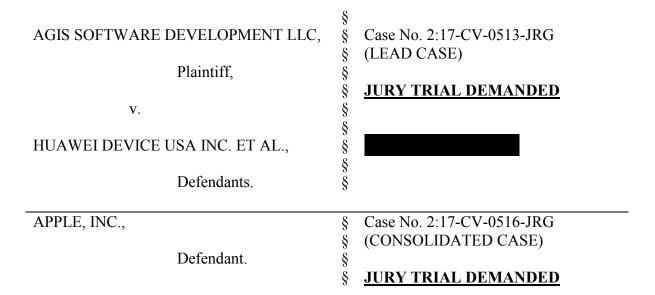
## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION



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)



## **TABLE OF CONTENTS**

			Page(s)		
I.	RES	SPONSE TO STATEMENT OF ISSUES			
II.	RESPONSE TO APPLE'S STATEMENT OF UNDISPUTED MATERIAL FACTS				
	A.	The Present Lawsuit	1		
	B.	The Idea of a Map Room: Situational Awareness, Communications, Command and Control, And Common Operational Picture			
	C.	The Asserted Patents	2		
		1. The Claimed Software	2		
		2. Hardware Components Recited in the Claims	3		
		3. Prototype Software	4		
	D.	The Accused Products			
III.	COU	UNTER-STATEMENT OF UNDISPUTED MATERIAL FACTS 4			
IV.	LEG	GAL STANDARDS6			
V.	ARGUMENT				
	A.	Background of the Patents			
	B.	Alice Step 1: The Asserted Claims Are Not Directed To An Abstract Idea			
	C.	Alice Step 2: The Asserted Claims Disclose an Inventive Concept that is Substantially More than an Abstract Idea	13		
<b>171</b>	CON	ACLUCION			



## **TABLE OF AUTHORITIES**

	Page(s)
Cases	
Alice Corp. Pty. Ltd. v. CLS Bank Int'l, 134 S. Ct. 2347 (2014)	7, 9, 13
Ass'n for Molecular Pathology v. Myriad Genetics, Inc., 133 S. Ct. 2107 (2013)	7
Baker v. Putnal, 75 F.3d 190 (5th Cir. 1996)	6
Bascom Global Internet Servs. v. AT&T Mobility, 827 F.3d 1341 (2016)	14
Bilski v. Kappos, 561 U.S. 593 (2010)	7
Diamond v. Chakrabarty, 447 U.S. 303 (1980)	7
Enfish, LLC v. Microsoft Corp., 822 F.3d 1327 (Fed. Cir. 2016)	9, 11
Finjan, Inc. v. Blue Coat Sys., Inc., 879 F.3d 1299 (Fed. Cir. 2018)	12
Funk Bros. Seed Co. v. Kalo Inoculant Co., 333 U.S. 127 (1948)	7
Intellectual Ventures I LLC v. J. Crew Grp., Inc., No. 6:16-CV-196-JRG 2016 WL 4591794, at *6 (E.D. Tex. Aug. 24, 2016)	14
Intellectual Ventures II LLC v. Fedex Corp. et al., No. 2:16-cv-00980, Dkt. No. 526 at 20-21 (E.D. Tex. May 10, 2018)	11, 12
Le Roy v. Tatham, 14 How. (U.S.) 156, 174-75 (1853)	7
Perdiemco, LLC v. Industrack LLC, No. 2:15-CV-1216-JRG-RSP 2016 WL 5719697, at *7 (E.D. Tex. Sept. 21, 2016), report and recommendation adopted, No. 2:15-CV-727-JRG-RSP, 2016 WL 5475707 (E.D. Tex. Sept. 29, 2016)	12
United States v. Renda Marine, Inc., 667 F.3d 651 (5th Cir. 2012)	



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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. <u>Response</u>: 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. <u>Response</u>: Undisputed
  - B. The Idea of a Map Room: Situational Awareness, Communications, Command and Control, And Common Operational Picture
- 3. <u>Response</u>: 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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