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

AGIS SOFTWARE DEVELOPMENT LLC,	§	
	§	
Plaintiff,	§	
	§	**Civil Action No. 2:17-CV-513-JRG**
v.	§	**(LEAD CASE)**
	§	
HUAWEI DEVICE USA INC., *et al.*,	§	**FILED UNDER SEAL**
	§	
Defendants.	§	

	§	
AGIS SOFTWARE DEVELOPMENT LLC,	§	
	§	
Plaintiff,	§	**Civil Action No. 2:17-CV-516-JRG**
	§	**(CONSOLIDATED CASE)**
v.	§	
	§	
APPLE INC.,	§	
	§	
Defendant.	§	

DEFENDANT APPLE INC.'S REPLY IN SUPPORT OF ITS 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

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Ex. 1	List of Dependent Claims by Category
Ex. 2	Docket Sheet for *AGIS Software Development, LLC v. Apple Inc.*, Civil Action No. 2:17-CV-516-JRG (E.D. Tex.)
Ex. 3	U.S. Patent No. 9,467,838
Ex. 4	U.S. Patent No. 9,445,251
Ex. 5	U.S. Patent No. 9,408,055
Ex. 6	U.S. Patent No. 9,749,829
Ex. 7	AGIS Software Development, LLC's Final Election of Asserted Claims to Defendant Apple, Inc.
Ex. 8	Christopher Rice Deposition Transcript Excerpts
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Ex. 14	AGIS Software Development, LLC's Opening Claim Construction Brief (Dkt. No. 165) Excerpts
Ex. 15	Declaration of Jaime G. Carbonell in Support of Plaintiff's Opening Claim Construction Brief (Dkt. No. 165-1) Excerpts
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Ex. 24	U.S. Patent No. 7,031,728
Ex. 25	AGIS Software Development, LLC's Opening Claim Construction Brief (Dkt. No. 165) – Additional Excerpts

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The asserted claims of the Location Patents are subject matter-ineligible under 35 U.S.C. § 101. In its opposition, AGIS attempts to avoid summary judgment by creating fact disputes. But there is no ***genuine*** dispute as to any fact that is ***material*** to the § 101 analysis. The Court should enter summary judgment that the asserted claims are invalid under § 101.

I. THE ASSERTED CLAIMS ARE SUBJECT MATTER INELIGIBLE

A. The Asserted Claims Are Directed To An Abstract Idea.

Apple's motion (Dkt. No. 229 ("motion")) explains that AGIS's claims are directed to an abstract idea because they focus on the functions of a Map Room—situational awareness, communications, and command-and-control—and recite only the routine use of computer hardware for implementing those functions on a computer. AGIS does not dispute that the claims recite situational awareness, communications, and command-and-control functionality. Instead, it argues that the claims are directed to a "specific implementation" of a digital map room and do not preempt every implementation of that idea because they require the use of servers and user-selectable symbols. (*See* Dkt. No. 261 ("Opp") at 8-11.) But the *Alice* inquiry is not whether the claims preempt every implementation of an abstract idea; rather, it is whether the claims are directed to, or focus on, an abstract idea. *See Two-Way Media Ltd. v. Comcast Cable Commc'ns, LLC*, 874 F.3d 1329, 1339-40 (Fed. Cir. 2017) (claims abstract even though not preemptive); *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1362-63 (Fed. Cir. 2015).

The recitation of computer components that perform only "well-understood, routine, conventional activities" cannot save claims from abstraction. *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat'l Ass'n*, 776 F.3d 1343, 1347-8 (Fed. Cir. 2014). There is no genuine dispute that the use of user-selectable symbols as recited in the claims was routine and conventional at the time of the alleged invention, because the undisputed evidence shows that prior art systems displayed entities on maps with user-selectable symbols. (*See* Part I.B, *infra*.) Nor is

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