EXHIBIT 16

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

AGIS SOFTWARE DEVELOPMENT, LLC,
 	
     Plaintiff,
 	
  v.
 	
APPLE INC.,
 	
     Defendant.
	Civil Action No. 2:17-cv-513-JRG
	LEAD CASE
	
	Civil Action No. 2:17-cv-0516-JRG
	Consolidated Case

APPLE INC.'S PRELIMINARY ELECTION OF PRIOR ART REFERENCES

Defendant Apple Inc. ("Apple") serves its Preliminary Election of Prior Art References, as set forth below, pursuant to the Court's Second Amended Docket Control Order (Dkt. No. 115) and in view of Plaintiff AGIS Software Development, LLC's ("AGIS") April 16, 2018 Preliminary Election of Asserted Claims. Apple expressly reserves its right to assert at or before trial that the patents-in-suit are invalid for additional reasons, including (without limitation) under 35 U.S.C. §§ 101 and/or 112. Apple further expressly reserves its rights to assert additional prior art references uncovered during the course of fact discovery (including, but not limited to, any references based upon discovery from third parties).

I.   U.S. Pat. No. 8,213,970

The asserted claims of U.S. Pat. No. 8,213,970 are invalid in view of the following prior art references alone, in combination with certain references as identified in the exhibits to Apple's December 1, 2017 invalidity contentions cited herein, and/or in combination with the knowledge of a person of ordinary skill in the art prior to the date of the alleged invention of the asserted claims:

- United States Patent Publication No. 2003/0217109, entitled "Method and Apparatus for Automatic Notification and Response" to Ordille (APLAGIS_00012105 - APL-AGIS_00012144), as demonstrated in Exhibit A-1 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- 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 (APL-AGIS_00012145 - APLAGIS_00012161), as demonstrated in Exhibit A-2 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- United States Patent No. 7,609,669, entitled "Voice Directed System and Method Configured for Assured Messaging to Multiple Recipients" to Sweeney (APL-AGIS_00012170 - APL-AGIS_00012180), as demonstrated in Exhibit A-3 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- United States Patent No. 7,386,589, entitled "Managed Messaging Platform with Message Response Aggregation" to Tanumihardja (APLAGIS_00012181 - APL-AGIS_00012235), as demonstrated in Exhibit A-4 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- United States Patent No. 6,816,878, entitled "Alert Notification System" to Zimmers (APL-AGIS_00012236 - APL-AGIS_00012283), as demonstrated in Exhibit A-5 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- United States Patent No. 5,692,032, entitled "Mobile Terminal Having One Key User Message Acknowledgment Function" to Seppanen (APLAGIS_00012162 - APL-AGIS_00012169), as demonstrated in Exhibits A-1, A-2, A-3, A-4 and A-5 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- 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 (APL-AGIS_00012094 - APL-AGIS_00012104), as demonstrated in Exhibits A-1, A-2, A-3, A-4 and A-5 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- United States Patent No. 6,148,332, entitled "Mandatory Message Display and Reporting System" to Brewer (APL-AGIS_00012914 - APLAGIS_00012922), as demonstrated in Exhibits A-1, A-2, A-3, A-4 and A-5 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

II.   **Each of U.S. Pat. Nos. 9,408,055; 9,445,251; 9,467,838; and 9,749,829**

The asserted claims of U.S. Pat. Nos. 9,408,055; 9,445,251; 9,467,838; and 9,749,829 are

invalid in view of the following prior art references alone, in combination with certain references

as identified in the exhibits to Apple's December 1, 2017 invalidity contentions cited herein, and/or

in combination with the knowledge of a person of ordinary skill in the art prior to the proper

priority date of the asserted claims:

- 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 (APLAGIS_00011797 - APL-AGIS_00011823), as demonstrated in Exhibit B-3, C-3, D-3, and E-3 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- United States Patent No. 7,353,034, entitled "Location Sharing and Tracking Using Mobile Phones or Other Wireless Devices" to Haney (APL-AGIS_00011875 - APL-AGIS_00011939), as demonstrated in Exhibit B-7, C-7, D-7, and E-7 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- United States Patent No. 7,917,866, entitled "Method, System, and Graphical User Interface for Meeting-Spot-Related Online Communications" to Karam (APL-AGIS_00011940 - APL-AGIS_00011962), as demonstrated in Exhibit B-8, C-8, D-8, and E-8 and in any subsequent amendments thereto.

- United States Patent Application No. 2002/0115453, entitled "Method and System for Location Based Wireless Communication Services" to Poulin (APL-AGIS_00011986 - APL-AGIS_00012004), as demonstrated in Exhibit B-10, C-10, D-10, and E-10 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- United States Patent No. 7,450,003, entitled "User-Defined Private Maps" to Weber (APL-AGIS_00012073 - APL-AGIS_00012093), as demonstrated in Exhibit B-11, C-11, D-11, and E-11 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- United States Patent No. 7,330,112, entitled "Location-Aware Services" to Emigh (APL-AGIS_00011851 - APL-AGIS_00011874), as demonstrated in Exhibit B-13, C-13, D-13, and E-13 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- United States Patent No. 6,867,733, entitled "Method and System for a Plurality of Mobile Units to Locate One Another" to Sandhu (APLAGIS_00012005 - APL-AGIS_00012017), as demonstrated in Exhibit B-12, C-12, D-12, and E-12 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- United States Patent No. 7,271,742, entitled "Method and Apparatus for Sending, Retrieving and Planning Location Relevant Information" to Sheha (APL-AGIS_00012018 - APL-AGIS_00012072), as demonstrated in Exhibit B-12, C-12, D-

12, and E-12 to Apple's December 1, 2017 invalidity contentions and in any subsequent amendments thereto.

- The ActiveCampus system, as described in at least the materials identified in Exhibits B-1, C-1, D-1, and E-1 to Apple's Patent Rule 3-3 Invalidity Contentions served December 1, 2017, and in any subsequent amendments thereto.

- AGIS's LifeRing product and its prototypes, as described in at least the materials identified in Exhibits B-2, C-2, D-2, and E-2 to Apple's Patent Rule 3-3 Invalidity Contentions served December 1, 2017, and in any subsequent amendments thereto.

- The AT&T Find Friends system, as described in at least the materials identified in Exhibits B-5, C-5, D-5, and E-5 to Apple's Patent Rule 3-3 Invalidity Contentions served December 1, 2017, and in any subsequent amendments thereto.

- The BuddySpace system, as described in at least the materials identified in Exhibits B-6, C-6, D-6, and E-6 to Apple's Patent Rule 3-3 Invalidity Contentions served December 1, 2017, and in any subsequent amendments thereto.

- The Navizon system, as described in at least the materials identified in Exhibits B-9, C-9, D-9, and E-9 to Apple's Patent Rule 3-3 Invalidity Contentions served December 1, 2017, and in any subsequent amendments thereto.

- The Automatic Packet/Position Reporting System, as described in at least the materials identified in Exhibits B-4, C-4, D-4, and E-4 to Apple's Patent Rule 3-3 Invalidity Contentions served December 1, 2017, and in any subsequent amendments thereto.

- The Force XXI Battle Command, Brigade and Below system, as described in at least the materials identified in B-14, C-14, D-14, and E-14 to Apple's Patent Rule 3-3 Invalidity Contentions served December 1, 2017, and in any subsequent amendments thereto.

In addition, as Apple explained in its December 1, 2017 Patent Rule 3-3 Invalidity Contentions and April 16, 2018 Amended Patent Rule 3-3 Invalidity Contentions, U.S. Pat. Nos. 9,408,055; 9,445,251; 9,467,838; and 9,749,829 are entitled to a priority date no earlier than October 31, 2014. Apple expressly reserves its right to assert at trial that, under that priority date, to the extent that any of the accused Apple products are determined to infringe any claim of any of those asserted patents, those accused Apple products would also render the claims invalid under at least AIA 35 U.S.C. § 102(a)(1) because they were each in public use and on sale or available for download before the effective filing date of those patents. Apple further reserves the right to

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