EXHIBIT 2

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT, LLC,
Patent Owner.

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Case IPR2018–01079
Patent 8,213,970 B2

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Before TREVOR M. JEFFERSON, CHRISTA P. ZADO, and
KEVIN C. TROCK, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
35 U.S.C. § 314

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I. INTRODUCTION

Google LLC ("Petitioner")[1] filed a request for *inter partes* review of claims 1 and 3–9 (the "challenged claims") of U.S. Patent No. 8,213,970 B2 (Ex. 1001, "the '970 patent"). Paper 2 ("Pet."). AGIS Software Development, LLC ("Patent Owner") filed a Preliminary Response. Paper 6 ("Prelim. Resp."). Petitioner filed a Reply to the Preliminary Response. Paper 8.

Under 35 U.S.C. § 314, an *inter partes* review must not be instituted "unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a). Upon considering the evidence presented and the arguments made, we determine Petitioner has demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims. Accordingly, we institute an *inter partes* review.

A.   Related Proceedings

The parties advise that the '970 patent has been asserted in *AGIS Software Development LLC v. Huawei Device USA Inc. et al.,* No. 2:17-cv-00513 (E.D. Tex.); *AGIS Software Development LLC v. HTC Corporation,* No. 2:17-cv-00514 (E.D. Tex.); *AGIS Software Development LLC v. LG Electronics, Inc.,* No. 2:17-cv-00515 (E.D. Tex.); *AGIS Software Development LLC v. Apple Inc.*, No. 2:17-cv-00516-JRG (E.D. Tex.); *AGIS*

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[1] The Petition identifies as real parties-in-interest Google LLC, Huawei Device USA Inc., Huawei Device Co., Ltd., Huawei Device (Dongguan) Co., Ltd., Huawei Technologies USA Inc., Huawei Technologies Co., Ltd., and LG Electronics, Inc. Paper 2, 79.

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Software Development LLC v. ZTE Corporation et al., No. 2:17-cv-00517
(E.D. Tex.). Pet. 79–80; Paper 5, 3–4. Patent Owner further advises that the
'970 patent and patents related to the '970 patent are the subject of various
filings requesting *inter partes* review. Paper 5, 2–3 (*see* table identifying
inter partes review case numbers).

   B.   The '970 Patent

      The '970 patent generally discloses a specialized software application
program on a personal computer ("PC") or PDA/cell phone for creating and
processing forced message alerts. Ex. 1001, Abstract. The specification of
the '970 patent ("Specification") discloses it is desirable for a PDA/cell
phone user to be able to simultaneously send Digital Smart Message Service
("SMS") or TCP/IP messages to a large group of PCs or cell phones using
cellular technology (such as GSM or CDMA) or WiFi. *Id.* at 1:51–57. The
Specification further discloses that in some situations it is additionally
desirable to know which PCs and PDA/cell phones received the message,
which PCs and PDA/cell phones did not receive the message, and the
response of each recipient of the message. *Id.* at 1:57–61. "As a result,
what is needed is a method in which a sender of a text or voice message can
force an automatic acknowledgement upon receipt from a recipient's cell
phone or PC and a manual response from the recipient via the recipient's
cell phone or PC." *Id.* at 1:65–67. In addressing these issues, the
Specification discloses "[t]he heart of the invention lies in [a] forced
message alert software application program provided in each PC or
PDA/cell phone." *Id.* at 4:47–49. The software provides the ability to

> (a) allow an operator to create and transmit a forced
> message alert from a sender PDA/cell phone to one
> or more recipient PCs and PDA/cell phones within
> the communication network; (b) automatically

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> transmit an acknowledgement of receipt to the sender PDA cell phone upon the receipt of the forced message alert; (c) periodically resend the message to the recipient PCs and PDA/cell phones that have not sent an acknowledgement; (d) provide an indication of which recipient PCs and PDA/cell phones have acknowledged the forced message alert; (e) provide a manual response list on the display of the recipient PC and PDA/cell phone's display that can only be cleared by manually transmitting a response; and (f) provide an indication on the sender PDA/ cell phone of the status and content the manual responses.

Id., Abstract. The Specification explains that a forced message alert is comprised of a text or voice message and a forced message alert software packet. *Id.* at 2:11–13, 8:23–25.

C.   Challenged Claims

Petitioner challenges claims 1 and 3–9 of the '970 patent. Claims 1 and 6 are independent. Claim 1 is illustrative.

> 1. A communication system for transmitting, receiving, confirming receipt, and responding to an electronic message, comprising:
>
> [1.1] a predetermined network of participants, wherein each participant has a similarly equipped PDA/cell phone that includes a CPU and a touch screen display and a CPU memory;
>
> [1.2] a data transmission means that facilitates the transmission of electronic files between said PDA/cell phones in different locations;
>
> [1.3] a sender PDA/cell phone and at least one recipient PDA/cell phone for each electronic message;
>
> [1.4] a forced message alert software application program including a list of required possible

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