EXHIBIT 3

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Tel: 571-272-7822   Entered: December 4, 2018

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 IPR2018-01080
Patent 9,408,055 B2

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

TROCK, *Administrative Patent Judge*.

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

IPR2018-01080
Patent 9,408,055 B2

I. INTRODUCTION

Google LLC ("Petitioner") filed a request for *inter partes* review of claims 1–2, 5–7, 14–15, 17, 21–25, 27–28, 30, 32–34, 36–37, 40–43, 45, 49, and 54 (the "challenged claims") of U.S. Patent No. 9,408,055 B2 (Ex. 1001, "the '055 patent"). Paper 2 ("Pet."). AGIS Software Development, LLC ("Patent Owner") filed a Preliminary Response. Paper 6 ("Prelim. Resp."). Petitioner filed a Reply. Paper 8 ("Reply").

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

Petitioner advises that the '055 patent has been asserted in five district court cases in the Eastern District of Texas, namely, *AGIS Software Development LLC v. Huawei Device USA Inc.,* TXED-2- 17-cv-00513, filed June 21, 2017; *AGIS Software Development LLC v. HTC Corporation,* TXED-2-17-cv- 00514, filed June 21, 2017; *AGIS Software Development LLC v. LG Electronics, Inc.,* TXED-2-17-cv-00515, filed June 21, 2017; *AGIS Software Development LLC v. Apple Inc.,* TXED-2-17-cv-00516, filed June 21, 2017; *and AGIS Software Development LLC v. ZTE Corporation,* TXED-2-17-cv-00517, filed June 21, 2017. Pet. 76.

IPR2018-01080
Patent 9,408,055 B2

Petitioner also advises that the '055 patent is being challenged in IPR2018-00818, in which institution was denied. *Id.*

Patent Owner acknowledges the same proceedings. Paper 4, 3–4.

B.   *The '055 Patent*

The '055 patent specification (the "Specification") generally discloses rapidly establishing an ad hoc network of devices (e.g., smartphones, PDAs, or personal computers) with users, such as first responders, logging onto a network using the network's name and security key (a common "password" for everyone). Ex. 1001, Title, Abstract, 10:55–57 (devices sign in with "the same ad hoc event name and password"). Once logged on, the users' devices exchange each other's location information via a remote server, and each participant's location is displayed as a user-selectable symbol correctly positioned on an interactive display of a georeferenced map. *Id.* at 6:47–7:40; Fig. 1. Users may communicate or send data to another user by selecting the user's symbol and the desired action. *Id.*

Figure 1 of the '055 patent is set out below.

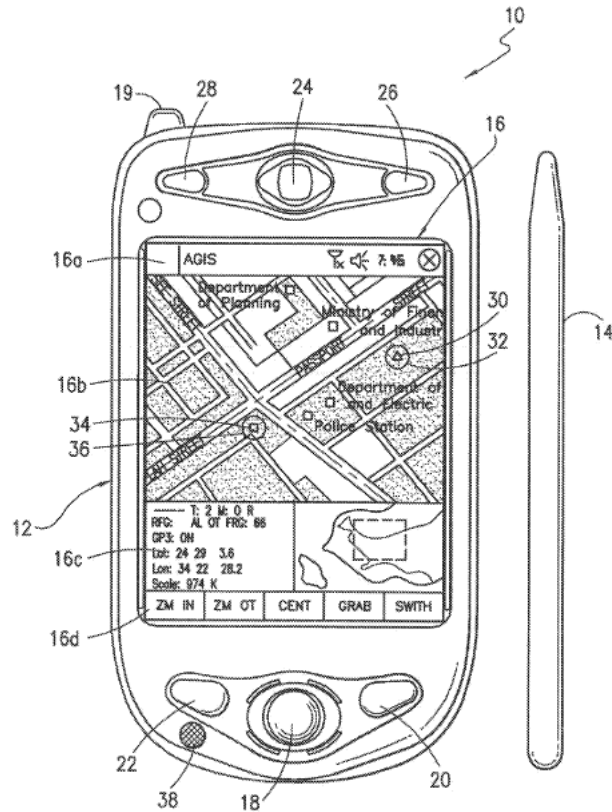IPR2018-01080
Patent 9,408,055 B2

FIG. 1

Figure 1, shown above, depicts a user's digital device 10 (cellular phone/PDA/GPS) having a touch screen 16 displaying a geographical map 16b with georeferenced entities 30, 34. *Id.* at 5:21–42, 6:49–65.

C.   *Challenged Claims*

Claims 1, 28, 41, and 54 of the challenged claims are independent and are substantially similar with some differences. Claim 1 is illustrative.

> 1. A method comprising:
> [1.1] performing by a first device:
> obtaining contact information of a plurality of second devices, wherein the contact information comprises respective telephone numbers of the second devices;

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