

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

AGIS SOFTWARE DEVELOPMENT, LLC § CASE NO. 2:17-cv-514-JRG
§ (Lead Case)
Plaintiff, §
§
v. § **JURY TRIAL DEMANDED**
§
HTC CORPORATION, et al. §
§
Defendant. §

AGIS SOFTWARE DEVELOPMENT, LLC § CASE NO. 2:17-CV-515-JRG
§ (Member Case)
Plaintiff, §
§
v. § **JURY TRIAL DEMANDED**
§
LG ELECTRONICS INC. §
§
Defendant. §

**DEFENDANT LG ELECTRONICS INC.'S MOTION FOR SUMMARY JUDGMENT
THAT U.S. PATENT NO. 7,630,724 MAY NOT BE RELIED UPON TO SHOW THAT
U.S. APPLICATION NO. 14/027,410 PROVIDES WRITTEN DESCRIPTION SUPPORT
FOR U.S. PATENT NOS. 9,408,055; 9,445,251; AND 9,467, 838**

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TABLE OF EXHIBITS

Exhibit Number	Description
1	U.S. Patent Nos. 9,408,055
2	U.S. Patent No. 9,445,251
3	U.S. Patent No. 9,467,838
4	U.S. Patent Application No. 14-027,410
5	<i>Apple Inc. v. AGIS Software Development LLC</i> , IPR2018-00817 (P.T.A.B. Oct. 3, 2018) (Paper 9)
6	<i>Apple Inc. v. AGIS Software Development LLC</i> , IPR2018-00819 (P.T.A.B. Nov. 7, 2018) (Paper 9)
7	<i>Apple Inc. v. AGIS Software Development LLC</i> , IPR2018-00818 (P.T.A.B. Oct. 3, 2018) (Paper 9)
8	The New Oxford American Dictionary (2001) (excerpt)

I. INTRODUCTION

Defendant LG Electronics Inc. (“LGEKR”) moves for summary judgment that the disclosures in U.S. Patent No. 7,630,724 may not be relied upon to show that U.S. Application No. 14/027,410 provides written description support for three of the patents asserted by AGIS Software Development LLC (“AGIS”) in this suit because the application to which asserted U.S. Patent Nos. 9,408,055; 9,445,251; and 9,467,838 claim priority failed to incorporate U.S. Patent No. 7,630,724 by reference. LGEKR therefore respectfully requests that the Court grant summary judgment that the disclosures of U.S. Patent No. 7,630,724 are not incorporated by reference into U.S. Application No. 14/027,410 to provide written description support for the asserted claims of U.S. Patent Nos. 9,408,055; 9,445,251; and 9,467,838.

II. STATEMENT OF ISSUES TO BE DECIDED BY THE COURT

Whether U.S. Patent No. 7,630,724 may be relied upon to show that U.S. Application No. 14/027,410 provides written description support for the asserted claims of U.S. Patent Nos. 9,408,055; 9,445,251; and 9,467,838 where U.S. Application No. 14/027,410 fails to incorporate U.S. Patent No. 7,630,724 by reference.

III. STATEMENT OF UNDISPUTED MATERIAL FACTS

1. AGIS has asserted U.S. Patent Nos. 9,408,055 (the “’055 Patent”), 9,445,251 (the “’251 Patent”), and 9,467,838 (the “’838 Patent”) (collectively, the “location sharing patents”) against LGEKR. (515 D.I. 1).

2. Each of the location sharing patents purports to claim priority to the U.S. Application No. 14/027,410 (the “’410 Application”). (Lee Decl.¹, Ex. 1 at 1; Lee Decl., Ex. 2 at 1; Lee Decl., Ex. 3 at 1).

¹ “Lee Decl.” refers to the Declaration of Nicholas H. Lee In Support of Defendant LG Electronics Inc.’s Motion for Summary Judgment that U.S. Patent No. 7,630,724 May Not Be

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