

**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,	§	
	§	JURY TRIAL DEMANDED
v.	§	
	§	
LG ELECTRONICS INC.	§	
	§	
Defendant.	§	

**DEFENDANT LG ELECTRONICS INC.'S MOTION FOR SUMMARY JUDGMENT OF
NON-INFRINGEMENT OF U.S. PATENT NO. 8,213,970**

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I. INTRODUCTION

Defendant LG Electronics Inc. (“LGEKR”) moves for summary judgment of non-infringement of U.S. Patent No. 8,213,970 because LGEKR does not pre-install the accused Google Find My Device application on its mobile devices sold by third-party LG Electronics U.S.A, Inc. (“LGEUS”) in the United States.

II. STATEMENT OF ISSUES TO BE DECIDED BY THE COURT

Whether LGEKR is entitled to summary judgment of non-infringement as to U.S. Patent No. 8,213,970.

III. STATEMENT OF UNDISPUTED MATERIAL FACTS

1. AGIS Software Development LLC (“AGIS”) filed its Complaint in this action against LGEKR on June 21, 2017. (Case No. 2:17-cv-515, D.I. 1).

2. AGIS alleges that LGEKR infringes claims 1, 3, 5, and 8 of U.S. Patent No. 8,213,970 (the “970 Patent”) based on functionality found in the Find My Device application, which was previously branded as Android Device Manager. (Lee Decl.¹, Ex. 1; Luh Decl.² ¶ 1).

3. Google is solely responsible for developing, designing, maintaining, modifying, making available, and/or distributing the Find My Device system. (Luh Decl. ¶ 2).

4. Find My Device can be used to locate, ring, secure or lock, and/or wipe another device linked to a Google account. (Luh Decl. ¶ 2).

5. The client-side of Find My Device is the application and interface that a Google user interacts with to view an account-linked device’s location and to select and create a remote

¹ “Lee Decl.” refers to the Declaration of Nicholas H. Lee In Support of Defendant LG Electronics Inc.’s Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 8,213,970 filed concurrently herewith.

² “Luh Decl.” refers to the Declaration of William Luh In Support of LG Electronics Inc.’s Motion for Summary Judgment filed concurrently herewith.

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