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Petition for *Inter Partes* Review of USP 9,445,251

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re *Inter Partes* Review of:)
U.S. Patent No. 9,445,251)
Issued: September 13, 2016)
Application No.: 14/633,804)

For: **Method to Provide Ad Hoc and Password Protected Digital and Voice
Networks**

FILED VIA E2E

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 9,445,251**

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This might have been sufficient for supporting the disclosure of the '251 patent as of its filing date. But because AGIS adopted a strategy of filing wholesale rewrites as CIPs, adding *and deleting* disclosure to change the focus of the purported invention, and also failed to incorporate the parent applications by reference, AGIS cannot claim priority dating back to the '724 patent.

Indeed, the '251 patent's immediate parent is the first in its family to incorporate all of its ancestors, including the '724 patent. So while AGIS told the Examiner that its claims had written description support in the '724 patent which "was incorporated by reference in the present application *at the time of the present application's filing*" (Ex. 1005 at 170, 236-37, 302) (emphasis added), it failed to note that the '251 patent's grandparent did *not* incorporate the '724 patent by reference. Because the '251 patent's grandparent also lacked the necessary express disclosure, the '251 patent's claims are entitled to an effective filing date no earlier than its immediate parent's actual filing date—rendering the '724 patent invalidating prior art by AGIS's own admissions.

This petition sets forth in detail the lack of written description support for the '251 patent's claims in the '251 patent's grandparent. It also details how the prior art '724 patent invalidates the '251 patent claims. The Board should therefore institute review of all claims of the '251 patent, and find them unpatentable.