

# EXHIBIT 16

Petition for *Inter Partes* Review of USP 9,467,838

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re *Inter Partes* Review of:                    )  
U.S. Patent No. 9,467,838                        )  
Issued: October 11, 2016                         )  
Application No.: 14/529,978                      )

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. 9,467,838**

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This might have been sufficient for supporting the disclosure of the '838 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, it fails to support a priority claim dating back to the '724 patent.

Indeed, the '838 patent 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*” ('838 Patent File History at 69 (“'838 FH”) (Ex. 1004)), it failed to note that the '838 patent's immediate parent did *not* incorporate the '724 patent by reference. Because the '838 patent's immediate parent also lacked the necessary express disclosure, the '838 patent's claims are entitled to an effective filing date no earlier than its 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 '838 patent claims in the '838 patent's immediate parent. It also details how the prior art '724 patent invalidates the '838 patent claims. The Board should therefore institute review of all claims of the '838 patent, and find them unpatentable.