

EXHIBIT 17

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

AGIS SOFTWARE DEVELOPMENT, LLC,

Plaintiff,

v.

HTC CORPORATION,

Defendant.

**CASE NO. 2:17-CV-0514-JRG
(LEAD CASE)**

JURY TRIAL DEMANDED

**DEFENDANT HTC CORPORATION'S
SECOND ELECTION OF PRIOR ART REFERENCES**

Pursuant to the proposed docket control order in this case (Dkt. No. 60), Defendant HTC Corporation serves this Second Election of Prior Art References, in view of Plaintiff AGIS Software Development, LLC's ("AGIS") Preliminary Election of Asserted Claims, and in light of AGIS's Infringement Contentions. HTC reserves its right to assert at or before trial that the Patents-in-Suit are invalid for additional reasons, including (without limitation) under 35 U.S.C. §§ 101, 102, and/or 112. Discovery is on-going and HTC reserves its rights to assert additional prior art references that are uncovered.

I. U.S. Pat. No. 8,213,970¹

1. U.S. Pat. Pub. No. 2003/0217109 ("Ordille")
2. U.S. Pub. No. 2008/0219416 ("Roujinsky")
3. U.S. Pat. No. 7,386,589 ("Tanumihardja")
4. U.S. Pat. No. 7,609,669 ("Sweeney")

¹ The prior art references listed are set forth in HTC Corporation's invalidity contentions, and each identification is made in view of and incorporates the respective disclosures and any related documentation and evidence set forth therein, as well as any amendments thereto. Furthermore, combinations pursuant to 35 U.S.C. 103 with respect to these references are specifically identified in HTC Corporation's Invalidity Contentions, or any amendments thereto.

5. U.S. Pat. No. 7,619,584 (“Wolf”)
6. Int’l Pub. No. WO2008/118878 (“Swanburg”)
7. U.S. Pat. No. 6,854,007 (“Hammond”)
8. U.S. Pat. No. 5,325,310 (“Johnson”)
9. U.S. Pat. No. 5,742,905 (“Pepe”)
10. U.S. Pub. No. 2006/0218232 (“Kubala”)
11. U.S. Pat. No. 8,369,843 (“Fux”)
12. U.S. Pat. No. 8,250,155 (“Corry”)
13. US Pub. No. 2010/0125636 (“Kuhlke”)
14. U.S. Pat. No. 6,816,878 (“Zimmers”)
15. U.S. Pat. No. 7,912,913 (“Accapadi”)

II. U.S. Pat. No. 9,445,251

1. U.S. Pat. Pub. No. 2007/0281690 (“Altman”)
2. U.S. Pat. No. 6,867,733 (“Sandhu”)
3. U.S. Pat. No. 7,271,742 (“Sheha”)
4. U.S. Pat. No. No. 2002/0115453 (“Poulin”)
5. U.S. Pat. No. No. 7,917,866 (“Karam”)
6. U.S. Pat. No. 6,204,844 (“Fumarolo”)
7. U.S. Pat. No. 6,366,782 (“Fumarolo”)
8. U.S. Pat. No. 7,353,034 (“Haney”)
9. U.S. Pub. No. US2002/0173906 (“Muramatsu”)
10. U.S. Pat. Pub. No. US2002/0027901 (“Liu”)
11. The ActiveCampus System (including related documents)
12. AGS LifeRing Product and its prototypes (including related documents)
13. The Automatic Packet/Position Reporting System (“APRS System”) (including related documents and protocols)

14. The Navizon System (including related documents)

15. Force XXI Battle Command, Brigade and Below (“FBCB2”) (including related documents)

III. U.S. Pat. No. 9,467,838

#1-15 from listed in Section II, above.

IV. U.S. Pat. No. 9,408,055

#1-5, #7, and #11-15 listed in Section II, above.

In addition:

12. U.S. Pat. No. 7,450,003 (“Weber”)

13. U.S. Pat. Pub. No. 2004/0054428 (“Sheha”)

14. U.S. Pat. Pub. No. 2004/0157590 (“Lazaridis”)

15. U.S. Pat. Pub. No. 2005/0221876 (“Van Bosch”)

In addition, as HTC explained in its Invalidity Contentions, U.S. Pat. Nos. 9,408,055; 9,445,251; and 9,467,838 are entitled to a priority date no earlier than October 31, 2014. HTC expressly reserves its right to assert at trial that, under that priority date, to the extent that any of the accused HTC products are determined to infringe any claim of any of those asserted patents, those accused HTC products would also render the claims invalid under at least AIA 35 U.S.C. § 102(a)(1) because they were each in public use and on sale or available for download before the effective filing date of those patents. HTC further reserves the right to assert at trial that, under that priority date, earlier AGIS patents and/or applications, including (without limitation): U.S. Pat. No. 7,630,724 would also render the claims invalid under at least AIA 35 U.S.C. § 102 because they were publicly available before the effective filing date of the those asserted patents.

Dated: August 29, 2018

Respectfully submitted,

/s/ Miguel J. Bombach

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