

EXHIBIT 18

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

AGIS SOFTWARE DEVELOPMENT, LLC

Plaintiff,

v.

HTC CORPORATION

Defendant.

LEAD CASE NO. 2:17-cv-514-JRG

JURY TRIAL DEMANDED

AGIS SOFTWARE DEVELOPMENT, LLC

Plaintiff,

v.

LG ELECTRONICS, INC.

Defendant.

MEMBER CASE NO. 2:17-cv-515-JRG

JURY TRIAL DEMANDED

**DEFENDANT LG ELECTRONICS, INC.'S SECOND
ELECTION OF PRIOR ART REFERENCES**

Pursuant to the Fifth Amended Docket Control Order (Case No. 17-cv-513-JRG, D.I. 183), Defendant LG Electronics, Inc. (“LGEKR” or “Defendant”) hereby serves the following Second Election of Prior Art References for each of the Patents-In-Suit.¹ This election is made in view of Plaintiff AGIS Software Development, LLC’s (“AGIS”) Election of Asserted Claims served on Defendant, dated August 15, 2018. LGEKR expressly reserves its rights to assert at or before trial that the Patents-In-Suit are invalid for additional reasons, including, but not limited to, being invalid under 35 U.S.C. §§ 101 and/or 112. LGEKR further expressly reserves its

¹ “Patents-In-Suit” refers to U.S. Patent Nos. 8,213,970 (the “970 Patent”), 9,408,055 (the “055 Patent”), 9,445,251 (the “251 Patent”), and 9,467,838 (the “838 Patent”), which has been asserted against LGEKR.

rights to modify this election, as well as to assert additional prior art references uncovered during the course of fact discovery, including, but not limited to, any references or related information based upon discovery from third parties. References that are indicative of the state of the art and/or the knowledge of one of ordinary skill in the art at the time of the inventions of the Patents-In-Suit are excluded from the scope of this election and LGEKR reserves the right to rely on any such reference, including any that are identified in its Invalidity Contentions, or any amendments thereto. Moreover, because LGEKR contends that the Patents-In-Suit are not entitled to the priority date alleged by AGIS, LGEKR expressly reserves its rights to assert at trial that, under that correct priority date, the Accused Products render the asserted claims invalid to the extent that any of them are determined to infringe. LGEKR further reserves its right to assert at trial that, under the correct priority date, AGIS's (including AGIS Inc.'s) products or earlier AGIS (or AGIS Inc.) patents and/or applications, including, but not limited to, U.S. Patent No. 7,630,724, would also render the claims invalid under at least AIA 35 U.S.C. § 102(a)(1) because they were publicly available before the effective filing date of the Patents-In-Suit.

Asserted Patent	Prior Art Elections²	
'970 Patent	1.	U.S. Patent Application Publication No. US 2003/0217109 (Ordille et al.)
	2.	U.S. Patent Application Publication No. US 2008/0219416 (Roujinsky)
	3.	U.S. Patent No. 7,609,669 (Sweeney)
	4.	U.S. Patent No. 7,386,589 (Tanumihardja et al.)
	5.	U.S. Patent No. 6,816,878 (Zimmers et al.)
	6.	U.S. Patent No. 7,912,913 (Accapadi et al.)
	7.	U.S. Patent No. 7,619,584 (Wolf)
	8.	WO 2008/118878 (Swanburg et al.)

² The prior art references listed are set forth in Defendant'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 Defendant's Invalidity Contentions, or any amendments thereto.

	9.	U.S. Patent No. 6,854,007 (Hammond)
	10.	U.S. Patent No. 5,325,310 (Johnson et al.)
	11.	U.S. Patent No. 5,742,905 (Pepe et al.)
	12.	U.S. Patent Application Publication No. US 2006/0218232 (Kubala et al.)
	13.	U.S. Patent No. 8,369,843 (Fux)
	14.	U.S. Patent No. 8,250,155 (Corry et al.)
	15.	U.S. Pub. No. 2010/0125636 (Kuhlke et al.)
'251 Patent	1.	U.S. Patent Application Publication No. US 2007/0281690 (Altman et al.)
	2.	U.S. Patent No. 6,867,733 (Sandhu et al.)
	3.	U.S. Patent No. 7,271,742 (Sheha et al.)
	4.	U.S. Patent Application Publication No. US 2002/0115453 (Poulin et al.)
	5.	U.S. Patent No. 7,917,866 (Karam)
	6.	U.S. Patent No. 6,204,844 (Fumarolo)
	7.	U.S. Patent No. 6,366,782 (Fumarolo et al.)
	8.	U.S. Patent No. 7,353,034 (Haney)
	9.	U.S. Patent Application Publication No. US 2002/0173906 (Muramatsu)
	10.	U.S. Patent Application Publication No. US 2002/0027901 (Liu et al.)
	11.	The ActiveCampus system (including related documents)
	12.	The AGIS's LifeRing Product and its prototypes (the "AGIS system") (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)
'838 Patent	1.	U.S. Patent Application Publication No. US 2007/0281690 (Altman et al.)*
	2.	U.S. Patent No. 6,867,733 (Sandhu et al.)*
	3.	U.S. Patent No. 7,271,742 (Sheha et al.)*
	4.	U.S. Patent Application Publication No. US 2002/0115453 (Poulin et al.)*
	5.	U.S. Patent No. 7,917,866 (Karam)*
	6.	U.S. Patent No. 6,204,844 (Fumarolo)*
	7.	U.S. Patent No. 6,366,782 (Fumarolo et al.)*
	8.	U.S. Patent No. 7,353,034 (Haney)*
	9.	U.S. Patent Application Publication No. US 2002/0173906 (Muramatsu)*
	10.	U.S. Patent Application Publication No. US 2002/0027901 (Liu et al.)*

	11.	The ActiveCampus system (including related documents)*
	12.	The AGIS's LifeRing Product and its prototypes (the "AGIS system") (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)*
'055 patent	1.	U.S. Patent Application Publication No. US 2007/0281690 (Altman et al.)*
	2.	U.S. Patent No. 6,867,733 (Sandhu et al.)*
	3.	U.S. Patent No. 7,271,742 (Sheha et al.)*
	4.	U.S. Patent No. 7,450,003 (Weber et al.)
	5.	U.S. Patent Application Publication No. US 2002/0115453 (Poulin et al.)*
	6.	U.S. Patent No. 7,917,866 (Karam)*
	7.	U.S. Patent No. 6,366,782 (Fumarolo et al.)*
	8.	The ActiveCampus system (including related documents)*
	9.	The AGIS's LifeRing Product and its prototypes (the "AGIS system") (including related documents)*
	10.	The Automatic Packet/Position Reporting System ("APRS System") (including related documents and protocols)*
	11.	The Navizon system (including related documents)*
	12.	Force XXI Battle Command, Brigade And Below ("FBCB2") (including related documents)*
	13.	U.S. Patent Application Publication No. US 2004/0054428 (Sheha et al.)*
	14.	U.S. Patent Application Publication No. US 2004/0157590 (Lazaridis et al.)
	15.	U.S. Patent Application Publication No. US 2005/0221876 (Van Bosch et al.)

* references marked with an asterisks are duplicate and should be counted against Defendant's cumulative reference limit.

Dated: August 29, 2018

Respectfully submitted by:

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