

EXHIBIT 19

Trials@uspto.gov
Tel: 571-272-7822

Paper 9
Entered: October 3, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT, LLC,
Patent Owner.

Case IPR2018-00817
Patent 9,445,251 B2

Before TREVOR M. JEFFERSON, CHRISTA P. ZADO, and
KEVIN C. TROCK, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

IPR2018–00817
Patent 9,445,251 B2

discussion or explanation, a person of ordinary skill in the art would be left to speculate unduly about the nature and contribution of a second georeferenced map to the claimed invention. In the absence of any substantive discussion or explanation about a second georeferenced map in the disclosure, a person of ordinary skill in the art would not appreciate, or understand, that the inventor was in possession of the claimed invention.

Based on the record presently before us, we are not persuaded that the '410 Application sufficiently describes or explains a “second georeferenced map” such that a person of ordinary skill in the art would understand that the inventor was in possession of the claimed invention. Accordingly, we are not persuaded the '410 Application satisfies the written description requirement of 35 U.S.C. § 112 with respect to the claims of the '251 patent. We need not reach Petitioner’s other arguments in support of its contention that the '410 Application fails to comply with 35 U.S.C. § 112.

5. Conclusion on Priority Date

Because we are not persuaded the '410 Application satisfies the written description requirement of 35 U.S.C. § 112 with respect to the claims of the '251 patent, Patent Owner has not established the '251 patent is entitled to rely on the filing date of the '410 Application, September 16, 2013. Accordingly, based on this record, the '724 patent, which issued on December 8, 2009, qualifies as prior art to the '251 patent under 35 U.S.C. 102(a)(1).

E. The '724 Patent (Ex. 1008)

The '724 patent discloses a cellular, PDA communication device and communication system for allowing a plurality of cellular phone users to monitor others’ locations and status, and to initiate cellular phone calls by