

# EXHIBIT 24

IPR2018-00818  
U.S. Patent No. 9,408,055

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,  
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT LLC,  
Patent Owner.

Patent No. 9,408,055  
Issue Date: August 2, 2016  
Title: METHOD TO PROVIDE AD HOC AND PASSWORD PROTECTED  
DIGITAL AND VOICE NETWORKS

---

**PATENT OWNER'S PRELIMINARY RESPONSE**

Case No. IPR2018-00818

---

## I. INTRODUCTION

On March 22, 2018, Apple Inc. (“Apple” or “Petitioner”) submitted a Petition (the “Petition”) to institute *inter partes* review (“IPR”) of U.S. Patent No. 9,408,055 (Ex. 1001, “the ’055 Patent”), challenging claims 1–54 (the “Challenged Claims”). Petitioner alleges only one reference in its unpatentability analysis, U.S. Patent Number 7,630,724 (Ex. 1008, the “’724 Patent”), which is a grandparent in the priority chain of the ’055 Patent.

The Petition challenges all of the claims with only a single ground--that the claims are obvious over AGIS’s own patent, the ’724 Patent, to which the ’055 Patent claims priority. However, the Petition fails for at least the following reasons: (1) the Petition fails to properly construe the claims; (2) the Petition does not establish that the ’724 Patent is prior art; and (3) the Petition does not demonstrate that the Challenged Claims are obvious over the ’724 Patent.

First, the Petition is deficient because Petitioner fails to meet its burden under 37 C.F.R. § 42.104(b)(3). Petitioner proffered conflicting claim constructions in the co-pending District Court litigation including an identification of numerous claims that it believes are governed by 35 U.S.C. §112(f). Ex. 2001 at 60–80. Additionally, Petitioner proffers specific claim constructions for the “group,” “SMS messages,” “the other symbol,” and “user selection of the sub-net” terms in the District Court proceeding. Meanwhile, Petitioner does not allege that