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

AGIS SOFTWARE DEVELOPMENT LLC,	§	Case No. 2:17-CV-0514-JRG
	§	(LEAD CASE)
Plaintiff,	§	
	§	**JURY TRIAL DEMANDED**
v.	§	
	§	
HTC CORPORATION,	§	[redacted]
	§	
Defendant.	§	

LG ELECTRONICS INC.,	§	Case No. 2:17-CV-0515-JRG
	§	(CONSOLIDATED CASE)
Defendant.	§	
	§	**JURY TRIAL DEMANDED**

PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC'S RESPONSE IN OPPOSITION TO LG ELECTRONICS INC.'S SEALED MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT OF U.S. PATENT NO. 8,213,970 (DKT. 112)

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Plaintiff AGIS Software Development LLC ("AGIS") hereby submits its Response in Opposition to LG Electronics Inc.'s ("LG") Sealed Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 8,213,970 (Dkt. 112).

I. RESPONSE TO STATEMENT OF ISSUES TO BE DECIDED BY THE COURT

Whether LGEKR is entitled to summary judgment of non-infringement as to U.S. Patent No. 8,213,970.

Response: Whether LG has established there is no genuine issue of material fact that it has not infringed U.S. Patent No. 8,213,970; whether LG's expert applied the wrong standard for induced infringement by requiring compulsion.

II. RESPONSE TO STATEMENT OF UNDISPUTED MATERIAL FACTS

LG has failed to present a Statement of Undisputed Material Facts as required by Local Rule CV-56(a) because the statements contain disputed facts and are argumentative under Local Rule CV-56(d). AGIS presents the following responses to the allegations in the Statement of Undisputed Material Facts.

Response to No. 1: Undisputed.

Response to No. 2: Undisputed, however, AGIS's infringement contentions are not limited to the Find My Device application.

Response to No. 3: Disputed. [redacted]

Response to No. 4: Undisputed as to this subset of functionalities.

Response to No. 5: Disputed. The client-side of the Find My Device on-device service is one example of an infringing application interface.

Response to No. 6: Disputed. The evidence of record shows that Android Device Manager and Find My Device standalone applications are pre-installed on all Android devices, including the LG Accused Devices. LG has provided evidence showing only that Android Device Manager and Find My Device may be an optional requirement by Google, and LG has provided no evidence showing that Android Device Manager and Find My Device are not actually pre-installed on the LG Accused Devices.

Response to No. 7: Undisputed that the Google Play Store, which is pre-installed by LG on the LG Accused Devices, is a mechanism for downloading the latest version of Android Device Manager or Find My Device. Disputed that Google Play Store is the sole mechanism for downloading software updates to the Android Device Manager or Find My Device standalone application. LG provides software updates from an upgrade center and through its website.

Response to No. 8: Disputed. [redacted]

Response to No. 9: Undisputed that Find My Device can be accessed via Google Chrome application which is pre-installed on the LG Accused Devices. Users of LG Accused Devices can enter the URL or they may type "find my phone" in the Google Chrome application.

Response to No. 10: Undisputed that the '970 Patent specification describes embodiments with the above-quoted language. However, the Court construed "a forced message alert software application program" to mean "application software that allows an operator to create and

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