

**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 REPLY IN SUPPORT OF ITS MOTION FOR
SUMMARY JUDGMENT OF NO DIRECT INFRINGEMENT AND NO INDIRECT
INFRINGEMENT OF U.S. PATENT NO. 8,213,970**

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It is telling that there is not a single person who has ever seen the Android Device Manager/Find My Device app pre-installed on any HTC Corp. phone. Even more telling is that AGIS and its expert *entirely ignored* HTC Corp.’s strongest piece of evidence: [REDACTED]

[REDACTED]

[REDACTED]

In an effort to muddy the waters, AGIS misrepresents third-party documentation and misquotes testimony. But AGIS’s newly provided third-party documentation actually supports the granting of HTC Corp.’s motion, and not a single one of AGIS’s citations to Dr. Wolfe support the denial of this motion. Finally, in a desperate, last-ditch effort, AGIS claims that HTC Corp. directly infringes because it makes phones that have a web-browser that can access a Google website that has allegedly infringing functionality. But AGIS’s web-browser allegation is 100% irrelevant to liability for direct infringement pursuant to 35 U.S.C. § 271(a).

There are no genuine disputes of material fact, and HTC Corp. is entitled to judgment as a matter of law. The Court should grant HTC Corp.’s motion.

I. HTC CORP. DOES NOT DIRECTLY INFRINGE THE ’970 PATENT

A. The allegedly infringing functionality is accessible only via the Android Device Manager/Find My Device app or via Google’s website

Despite AGIS’s allusions to the contrary, it is inescapable that functionality to find and lock a lost phone from the Android Device Manager/Find My Device app¹ (or Google’s website) is core-and-critical to AGIS’s direct infringement case.² As an example, Mr. McAlexander states

¹ Find My Device and Android Device Manager are the same thing. Android Device Manager was renamed to Find My Device in 2017. For brevity, HTC Corp.’s motion referred to Find My Device, so as to avoid any concocted confusion by AGIS, HTC Corp. will use “Android Device Manager/Find My Device” herein.

² (See, e.g., Dkt. No. 120-09 at A-a14–A-a18, A-a20, A-a28, A-a32, A-a35–A-a36, A-a39–A-a40, A-a47–A-a48, A-a57, A-a63, A-a65, A-a71, A-a77, A-a86, A-a88, A-a93, A-a95, A-

[REDACTED]

[REDACTED]

[REDACTED]) Both experts agree that the ability to find and interact with a lost device is available only via (1) the Android Device Manager/Find My Device app or via (2) Google's website. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] AGIS alleges no other way to access the accused functionality other than through the app or via Google's website, neither of which are installed on HTC Corp.'s phones, as described below.

a100, A-a104, A-a108, A-a115, A-a119 (showing figures of the Find My Device user interface.)

³ This is not an isolated excerpt. Mr. McAlexander repeatedly ties the claim language to the Find My Device app. (*See, e.g.*, Dkt. No. 120 at pp. 4–5.)

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