

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

AGIS SOFTWARE DEVELOPMENT LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 2:17-CV-516-JRG

**APPLE’S ANSWER TO AGIS’S ORIGINAL COMPLAINT FOR PATENT
INFRINGEMENT**

Defendant Apple Inc. (“Apple”) answers Plaintiff’s Original Complaint for Patent Infringement (“Complaint”) filed by AGIS Software Development LLC (“AGIS”) (D.I. 1) as follows:

THE PARTIES¹

1. Apple has insufficient knowledge or information to admit or deny the allegations in Complaint paragraph 1 and on that basis denies all such allegations.
2. Apple admits that it is a corporation organized and existing under the laws of California and has a principal place of business at 1 Infinite Loop, Cupertino, California 95014. Apple admits that it has retail stores at 2601 Preston Road, Frisco, Texas, and 6121 West Park Boulevard, Plano, Texas, as well as other locations in Texas. Apple admits that it offers and sells its products and/or services, including those accused herein of infringement, to customers and potential customers located in Texas, including in the judicial Eastern District of Texas.

¹ For clarity and ease of reference, Apple repeats herein the section headers recited in AGIS’s Complaint. To the extent any section header is construed to be a factual allegation, Apple denies any and all such allegations.

Apple admits that it may be served with process through its registered agent for service in Texas: CT Corporation System, 1999 Bryant Street, Suite 900, Dallas, Texas 75201. To the extent any factual allegations remain in the Complaint paragraph 2, Apple denies them.

JURISDICTION AND VENUE

3. Apple admits that AGIS purports to bring an action for patent infringement. Apple states that the remaining allegations in the Complaint paragraph 3 contain legal conclusions that require no answer. To the extent an answer is required, Apple denies that any factual or legal basis exists for any of AGIS's claims against Apple in this action, or that AGIS is entitled to any relief whatsoever from Apple or this Court. To the extent any factual allegations remain in the Complaint paragraph 3, Apple denies them.

4. Apple admits that it has retail stores in the Eastern District of Texas. Apple admits that it has transacted business in the Eastern District of Texas. Apple denies that it has committed or induced acts of patent infringement in this judicial district or in any other district. Apple further denies that venue is proper in this District, and further asserts that a District Court in the Northern District of California would be a clearly more convenient venue, and on that additional basis, denies the propriety of venue in this district. To the extent any factual allegations remain in the Complaint paragraph 4, Apple denies them.

5. Apple admits that it has conducted business in the Eastern District of Texas. Apple denies that it has committed, induced, or contributed to acts of patent infringement in this judicial district or in any other district. Apple states that the remaining allegations in the Complaint paragraph 5 contain legal conclusions that require no answer. To the extent an answer is required, Apple admits that it is subject to personal jurisdiction in this Court for the purposes of this action, but denies that any factual or legal basis exists for any of AGIS's claims

against Apple in this action, or that AGIS is entitled to any relief whatsoever from Apple or this Court. To the extent any factual allegations remain in the Complaint paragraph 5, Apple denies them.

PATENTS-IN-SUIT

6. Apple admits that according to the records of the U.S. Patent and Trademark Office (“USPTO”), on July 3, 2012, the USPTO issued United States Patent No. 8,213,970 (the “’970 patent”), but denies that the ’970 patent was duly and legally issued. Apple admits that the ’970 patent is entitled “Method of Utilizing Forced Alerts for Interactive Remote Communications.” Apple admits that, on information and belief, Exhibit A to the Complaint appears to be a copy of the ’970 patent.

7. Apple admits that according to the records of the USPTO, on August 2, 2016, the USPTO issued United States Patent No. 9,408,055 (the “’055 patent”), but denies that the ’055 patent was duly and legally issued. Apple admits that the ’055 patent is entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” Apple admits that, on information and belief, Exhibit B to the Complaint appears to be a copy of the ’055 patent.

8. Apple admits that according to the records of the USPTO, on September 13, 2016, the USPTO issued United States Patent No. 9,445,251 (the “’251 patent”), but denies that the ’251 patent was duly and legally issued. Apple admits that the ’251 patent is entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” Apple admits that, on information and belief, Exhibit C to the Complaint appears to be a copy of the ’251 patent.

9. Apple admits that according to the records of the USPTO, on October 11, 2016, the USPTO issued United States Patent No. 9,467,838 (the “’838 patent”), but denies that the ’838 patent was duly and legally issued. Apple admits that the ’838 patent is entitled “Method to

Provide Ad Hoc and Password Protected Digital and Voice Networks.” Apple admits that, on information and belief, Exhibit D to the Complaint appears to be a copy of the ’838 patent.

FACTUAL ALLEGATIONS

10. Apple has insufficient knowledge or information to admit or deny the allegations in Complaint paragraph 10 and on that basis denies all such allegations.

11. Apple has insufficient knowledge or information to admit or deny the allegations in Complaint paragraph 11 and on that basis denies all such allegations.

12. Apple has insufficient knowledge or information to admit or deny the factual allegations in Complaint paragraph 12 and on that basis denies all such allegations.

13. Apple has insufficient knowledge or information to admit or deny the factual allegations in Complaint paragraph 13 and on that basis denies all such allegations.

14. Apple admits that it has manufactured, used, sold, offered for sale, and/or imported into the United States iPhone versions 4, 4s, 5, 5s, SE, 6s, 6s+, 7, 7+, and 7 Red, and iPad versions 1 through 3, iPad Air versions 1 and 2, iPad Mini versions 1 through 4, and iPad Pro 9.7, 10.5, and 12.9 (collectively, the “Accused Devices”). Apple denies the remaining factual allegations of the first sentence of Complaint paragraph 14. Apple admits that it currently makes available the Apple Maps, Find My iPhone, Find My Friends, and iMessage apps as components of certain of its iOS operating systems software and as downloads on Apple’s App Store. Apple denies the remaining allegations of Complaint paragraph 14.

15. Complaint paragraph 15 contains legal conclusions to which no response is required, at least to the extent Complaint paragraph 15 alleges that the Accused Devices meet the limitations recited in the claims of the Patents-In-Suit. To the extent a response is deemed to be required, Apple denies the allegations of Complaint paragraph 15.

COUNT I
(Infringement of the '970 Patent)

16. Apple incorporates by reference its responses to Complaint paragraphs 1-15 as if fully set forth herein.

17. Apple admits that it has not entered into a license with AGIS concerning the '970 patent. Apple denies any remaining factual allegations of Complaint paragraph 17.

18. Apple denies the allegations of Complaint paragraph 18.

19. Apple denies the allegations of Complaint paragraph 19.

20. Apple denies the allegations of Complaint paragraph 20.

21. Apple admits that its website includes certain instructions concerning its Find My iPhone app. Apple denies the remaining allegations of Complaint paragraph 21.

22. Apple denies the allegations of Complaint paragraph 22.

23. Apple denies the allegations of Complaint paragraph 23.

24. Apple denies the allegations of Complaint paragraph 24.

COUNT II
(Infringement of the '055 Patent)

25. Apple incorporates by reference its responses to Complaint paragraphs 1-24 as if fully set forth herein.

26. Apple admits that it has not entered into a license with AGIS concerning the '055 patent. Apple denies any remaining factual allegations of Complaint paragraph 26.

27. Apple denies the allegations of Complaint paragraph 27.

28. Apple denies the allegations of Complaint paragraph 28.

29. Apple denies the allegations of Complaint paragraph 29.

30. Apple admits that its website includes instructions concerning its Find My Friends app. Apple denies the remaining allegations of Complaint paragraph 30.

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