

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

AGIS SOFTWARE DEVELOPMENT LLC,	§	Case No.
Plaintiff,	§	<b><u>JURY TRIAL DEMANDED</u></b>
v.	§	
T-MOBILE USA, INC. and T-MOBILE US, INC.,	§	
Defendants.	§	

**PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, AGIS Software Development LLC (“AGIS Software” or “Plaintiff”) files this original Complaint against Defendants T-Mobile USA, Inc. and T-Mobile US, Inc. (collectively, “T-Mobile” or “Defendants”) for patent infringement under 35 U.S.C. § 271 and alleges as follows:

**THE PARTIES**

1. Plaintiff AGIS Software is a limited liability company organized and existing under the laws of the State of Texas and maintains its principal place of business at 100 W. Houston Street, Marshall, Texas 75670. AGIS Software is the owner of all right, title, and interest in and to U.S. Patent Nos. 7,031,728, 7,630,724, 9,408,055, 9,445,251, 9,467,838, and 9,749,829 (the “Patents-in-Suit”).

2. Defendants T-Mobile, USA, Inc. is a Washington corporation and maintains its principal place of business at 12920 SE 38th Street, Bellevue, Washington 98006 and may be served with process via its registered agent, Corporation Service Company at 211 E. 7th Street, Suite 620, Austin, Texas 78701. Upon information and belief, T-Mobile USA, Inc. does

business in Texas, directly or through intermediaries, and offers 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.

3. Defendants T-Mobile US, Inc. is a Delaware corporation with its principal place of business as 12920 SE 38th Street, Bellevue, Washington 98006. T-Mobile US, Inc. is the parent corporation of T-Mobile USA, Inc. and was formerly known as MetroPCS Communications, Inc. T-Mobile US, Inc. was formed in 2013 through the business combination between T-Mobile USA and MetroPCS Communications, Inc.<sup>1</sup> Upon information and belief, T-Mobile US, Inc. may be served with process through Corporation Service Company at 211 E. 7th Street Suite 620, Austin, Texas, 78701. Upon information and belief, T-Mobile US, Inc. does business in Texas, directly or through intermediaries, and offers 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.

### **JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

5. This Court has personal jurisdiction over T-Mobile in this action because T-Mobile has committed acts within the Eastern District of Texas giving rise to this action and has established minimum contacts with this forum such that the exercise of jurisdiction over T-Mobile would not offend traditional notions of fair play and substantial justice. T-Mobile

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<https://www.sec.gov/Archives/edgar/data/1283699/000128369915000010/tmus12312014form10-k.htm>

conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States by, among other things, offering to sell and selling products and/or services that infringe the Patents-in-Suit.

6. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b). T-Mobile is registered to do business in Texas, and, upon information and belief, T-Mobile has transacted business in the Eastern District of Texas and has committed acts of direct and indirect infringement in the Eastern District of Texas. T-Mobile US, Inc. maintains a corporate office at 2250 Lakeside Boulevard, Richardson, Texas 75082 and T-Mobile USA, Inc. maintains a Network Operations Center at 7668 Warren Parkway, Frisco, Texas 75034, both of which are located within this Judicial District. T-Mobile also has regular and established places of business in this Judicial District, including at least its retail stores located at 900 East End Boulevard N, #100B, Marshall, TX 75670; 1806 East End Boulevard N, Suite 100, Marshall, TX 75670; 222 East End Boulevard S, Apt. C Suite C, Marshall, TX 75670; 1209 E. Marshall Avenue, Longview, TX 75601; 2108 Gilmer Road., Longview, TX 75604; 530 E. Loop 281, Suite #101, Longview, TX 75605; 1110 East Parker Road, Suite C, Plano, TX 75074; 3131 Custer Road, Suite #125, Plano, TX 75075; 2408 Preston Road, Suite 704B, Plano, TX 75093; 7000 Independence Parkway, Suite 168, Plano, TX 75025; 5976 W. Parker Road, Suite 304, Plano, TX 75093; 601 W. 15th Street, Suite 102, Plano, TX 75075; 5800 S. Legacy Drive, Suite C-9, Plano, TX 75024; 3311 Preston Road, Ste 6, Frisco, TX 75034; 2601 Preston Road, Space #2200, Frisco, TX 75034; 8910 TX-121, Suite 200, McKinney, TX 75070; 1332 South Plano Road, #114, Richardson, TX 75081; 524 W. Belt Line Road, #15, Richardson, TX 75080; 2004

St. Michael Drive, Texarkana, TX 75503; 2700 Richmond Road, Texarkana, TX 75503; 3741 Mall Drive, Texarkana, TX 75501; and 2808 New Boston Road, Suite D, Texarkana, TX 75501.

**PATENTS-IN-SUIT**

7. On December 8, 2009, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,630,724 (the “’724 Patent”) entitled “Method of Providing a Cellular Phone/PDA Communication System.” A true and correct copy of the ’724 Patent is attached hereto as Exhibit A.

8. On April 18, 2006, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,031,728 (the “’728 Patent”) entitled “Cellular Phone/PDA Communication System.” A true and correct copy of the ’728 Patent is attached hereto as Exhibit B.

9. On August 2, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,408,055 (the “’055 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’055 Patent is attached hereto as Exhibit C.

10. On September 13, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,445,251 (the “’251 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’251 Patent is attached hereto as Exhibit D.

11. On October 11, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,467,838 (the “’838 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’838 Patent is attached hereto as Exhibit E.

12. On August 29, 2017, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,749,829 (the “’829 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” A true and correct copy of the ’829 Patent is attached hereto as Exhibit F.

### **FACTUAL ALLEGATIONS**

13. Malcolm K. “Cap” Beyer, Jr., a graduate of the United States Naval Academy and a former U.S. Marine, is the CEO of AGIS Software and a named inventor of the AGIS patent portfolio. Mr. Beyer founded Advanced Ground Information Systems, Inc. (“AGIS, Inc.”) shortly after the September 11, 2001 terrorist attacks because he believed that many first responder and civilian lives could have been saved through the implementation of a better communication system. He envisioned and developed a new communication system that would use integrated software and hardware components on mobile devices to give users situational awareness superior to systems provided by conventional military and first responder radio systems.

14. AGIS, Inc. developed prototypes that matured into its LifeRing system. LifeRing provides first responders, law enforcement, and military personnel with what is essentially a tactical operations center built into hand-held mobile devices. Using GPS-based location technology and existing or special-purpose cellular communication networks, LifeRing users can exchange location, heading, speed, and other information with other members of a group, view each other’s locations on maps and satellite images, and rapidly communicate and coordinate their efforts.

15. AGIS Software licenses its patent portfolio, including the ’724, ’728, ’055, ’251, ’838, and ’829 Patents, to AGIS, Inc. AGIS, Inc. has marked its products accordingly. AGIS

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