# EXHIBIT K

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT, LLC,
Patent Owner.

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Case IPR2018–01471
Patent 9,749,829 B2

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Before TREVOR M. JEFFERSON, CHRISTA P. ZADO, and FREDERICK C. LANEY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
*35 U.S.C. § 314*

# I. INTRODUCTION

Apple, Inc. ("Petitioner") filed a request for *inter partes* review of claims 1–68 (the "challenged claims") of U.S. Patent No. 9,749,829 B2 (Ex. 1001, "the '829 patent"). Paper 1 ("Pet."). AGIS Software Development, LLC ("Patent Owner") filed a Preliminary Response. Paper 6 ("Prelim. Resp."). Petitioner filed a Reply to the Preliminary Response. Paper 8. Finally, Patent Owner filed a Sur-Reply. Paper 9.

Under 35 U.S.C. § 314, an *inter partes* review must not be instituted "unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a). Upon considering the evidence presented and the arguments made, we determine Petitioner has demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims. Accordingly, we institute an *inter partes* review as to all challenged claims and all grounds raised in the Petition. *See SAS Institute Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018) (holding that a decision to institute under 35 U.S.C. § 314 may not institute on fewer than all claims challenged in the petition).

## *A. Related Proceedings*

Petitioner advises that the '829 patent is asserted against Petitioner in *AGIS Software Development LLC v. Apple Inc.*, No. 2:17-cv-00516-JRG (E.D. Tex.). Pet. 2. Petitioner also advises that the '829 patent is asserted against third parties in four other cases: *AGIS Software Development LLC v. Huawei Device USA Inc.*, No. 2:17-cv-00513 (E.D. Tex.); *AGIS Software Development LLC v. LG Electronics, Inc.*, No. 2:17-cv-00515 (E.D. Tex.);

*AGIS Software Development LLC v. ZTE Corporation*, No. 2:17-cv-00517 (E.D. Tex.); *AGIS Software Development LLC v. HTC Corporation*, No. 2:17-cv-00514 (E.D. Tex.). *Id.* Petitioner further advises that it has filed petitions for *inter partes* review challenging U.S. Patent Nos. 9,408,055, 9,455,251, 9,467,838, and 8,213,970, which were also asserted in the above district court cases. *Id.*[1] Lastly, Petitioner advises that Google also has filed additional petitions for *inter partes* review challenging these patents. *Id.*[2]

Patent Owner identifies the same related proceedings. Paper 4, 1–3.

*B. The '829 Patent*

The '829 patent generally discloses a method and communication system to quickly set up and provide ad hoc, password protected, digital and voice networks among users of integrated handheld cellular/PDA/GPS phones ("integrated device" or "device"). Ex. 1001 1:33–51. The specification of the '829 patent ("Specification") discloses that there is a need to be able to set up ad hoc digital and voice networks easily and rapidly across different groups of users, such as military, first responder, and other public and private emergency groups. *Id.* at 2:11–19. According to the Specification, users' integrated devices need to be able to rapidly coordinate activities across groups, for example, to be able to communicate with each other without having to identify each other by name, e-mail address, or phone number. *Id.* at 3:48–51.

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[1] The petitions for *inter partes* review are in cases IPR2018-00817, IPR2018-00818, IPR2018-00819, and IPR2018-00821.

[2] The petitions for *inter partes* review are in cases IPR2018-01080, IPR2018-01082, IPR2018-01083, IPR2018-01084, IPR2018-01085, IPR2018-01086, IPR2018-01087, and IPR2018-01088.

The disclosed system includes a plurality of Internet Protocol ("IP") capable integrated devices, each having an Advanced Communication Software ("ACS") application program. *Id.* at 2:57–60. The plurality of integrated devices, in conjunction with a remote Server, provides the ability to establish an ad hoc network of devices so that the devices can either broadcast to a group or selectively transmit to each other. *Id.* at 2:60–63. A user of an integrated device establishes the ad hoc network or joins an existing ad hoc network by entering the remote Server's IP address, an ad hoc event name such as "Katrina," and a password in an appropriate prompt on the user's device. *Id.* at 3:52–55, 10:46–60. The user also enters the user's name and phone number. *Id.*

Upon establishing or joining the network, the user's device commences reporting information to the remote server, including the user's IP address and GPS derived location. *Id.* at 10:53–61. Initially, when only one device has joined the network, the remote server retains the information reported by the device. *Id.* at 10:63–11:4. When additional devices join the network by using the same ad hoc event name and password and report their information to the remote server, the remote server can use the network participant devices' IP addresses to pass location information automatically between the devices. *Id.* at 11:4–10.

According to the Specification, the ACS application program also provides for a geographical map that displays georeferenced entities on a user's device display. *Id.* at 6:18–23. The map is displayed on a touch screen that the device user may interact with using his/her finger or a stylus. *Id.* at 5:39–52, 6:61. The map may display symbols depicting permanent geographical locations and buildings. *Id.* at 6:41–45. The map may also display symbols, such as a triangle or square, that represent participants of

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