

EXHIBIT M

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

AGIS SOFTWARE DEVELOPMENT LLC,	§	
	§	
v.	§	CASE NO. 2:19-CV-361-JRG
	§	
GOOGLE LLC,	§	
_____	§	
	§	
AGIS SOFTWARE DEVELOPMENT LLC,	§	
	§	
v.	§	CASE NO. 2:19-CV-359-JRG
	§	
WAZE MOBILE LTD.,	§	
_____	§	
	§	
AGIS SOFTWARE DEVELOPMENT LLC,	§	
	§	
v.	§	CASE NO. 2:19-CV-362-JRG
	§	
SAMSUNG ELECTRONICS CO., LTD. and	§	
SAMSUNG ELECTRONICS AMERICA,	§	
INC.	§	

CLAIM CONSTRUCTION
MEMORANDUM AND ORDER

Before the Court is the Opening Claim Construction Brief (Dkt. No. 116) filed by Plaintiff AGIS Software Development LLC (“Plaintiff” or “AGIS”). Also before the Court is the Responsive Claim Construction Brief (Dkt. No. 120) filed by Defendants Google LLC, Waze Mobile Ltd., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (“Defendants”) as well as Plaintiff’s reply (Dkt. No. 123). The Court held a hearing on October 30, 2020.

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E. “A method of receiving, acknowledging and responding to a forced message alert from a sender PDA/cell phone to a recipient PDA/cell phone, wherein the receipt, acknowledgment, and response to said forced message alert is forced by a forced message alert software application program, said method comprising the steps of:” 30

F. “a data transmission means that facilitates the transmission of electronic files between said PDA/cell phones in different locations” 35

G. “means for attaching a forced message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender PDA/cell phone, said forced message alert software packet containing a list of possible required responses and requiring the forced message alert software on said recipient PDA/cell phone to transmit an automatic acknowledgement to the sender PDA/cell phone as soon as said forced message alert is received by the recipient PDA/cell phone” 41

H. “means for requiring a required manual response from the response list by the recipient in order to clear recipient’s response list from recipient’s cell phone display” 46

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J. “means for periodically resending said forced message alert to said recipient PDA/cell phones that have not automatically acknowledged the forced message alert” 55

K. “means for receiving and displaying a listing of which recipient PDA/cell phones have transmitted a manual response to said forced message alert and details the response from each recipient PDA/cell phone that responded” 59

L. “means for transmitting the acknowledgment of receipt to said sender PDA/cellphone immediately upon receiving a force message alert from the sender PDA/cellphone” 62

M. “means for controlling of the recipient PDA/cellphone upon transmitting said automatic acknowledgment and causing, in cases where the forced message alert is a text message, the text message and a response list to be shown on the display of the recipient PDA/cellphone or causes, in cases where the forced message alert is a voice message, the voice message being periodically repeated by the speakers of the recipient PDA/cellphone while said response list is shown on the display” 68

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I. BACKGROUND

Plaintiff alleges infringement of United States Patents No. 8,213,970 (“the ’970 Patent”), 9,408,055 (“the ’055 Patent”), 9,445,251 (“the ’251 Patent”), 9,467,838 (“the ’838 Patent”), 9,749,829 (“the ’829 Patent”) & 9,820,123 (“the ’123 Patent”) (collectively, “the patents-in-suit”). (Dkt. No. 116, Exs. B–G.) Plaintiff submits that “[t]he ‘[f]ield of the [i]nvention’ is described generally as related to the field of map-based communication among cellphone/PDA devices, now more commonly referred to as ‘smartphones.’” (Dkt. No. 116, at 1.)

The ’970 Patent is titled “Method of Utilizing Forced Alerts for Interactive Remote Communications” and issued on July 3, 2012. The Abstract of the ’970 Patent states:

The system and method having a specialized software application on a personal computer or a PDA/cell phone that that [sic] enables a participant to force an automatic acknowledgement and a manual response to a text or voice message from other participants within the same network. Each participant’s PDA/cell phone includes a forced message alert software application program for both creating and processing these forced message alerts. The system and method enabled by the forced message alert software application program provides the ability to (a) allow an operator to create and transmit a forced message alert from a sender PDA/cell phone to one or more recipient PCs and PDA/cell phones within the communication network; (b) automatically transmit an acknowledgement of receipt to the sender PDA cell phone upon the receipt of the forced message alert; (c) periodically resend the message to the recipient PCs and PDA/cell phones that have not sent an acknowledgement; (d) provide an indication of which recipient PCs and PDA/cell phones have acknowledged the forced message alert; (e) provide a manual response list on the display of the recipient PC and PDA/cell phone’s display that can only be cleared by manually transmitting a response; and (f) provide an indication on the sender PDA/cell phone of the status and content the [sic] manual responses.

The ’838 Patent is titled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks” and issued on October 11, 2016. The Abstract of the ’838 Patent states:

A method and system includes the ability for individuals to set up an ad hoc digital and voice network easily and rapidly to allow users to coordinate their activities by eliminating the need for pre-entry of data into a web or identifying others by name, phone numbers or email. This method is especially useful for police, fire fighters, military, first responders or other emergency situations for

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