

EXHIBIT D

PATENTS-IN-SUIT

7. On July 3, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,213,970 (the “’970 Patent”) entitled “Method of Utilizing Forced Alerts for Interactive Remote Communications.” A true and correct copy of the ’970 Patent is attached hereto as Exhibit A.

8. 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 B.

9. 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 C.

10. 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 D.

FACTUAL ALLEGATIONS

11. 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

importing into the United States the infringing Accused Devices, and by instructing users of the Accused Devices to perform methods claimed in the '970 Patent. For example, Defendants, with knowledge that the Accused Devices infringe the '970 Patent at least as of the date of this Complaint, actively, knowingly, and intentionally induced, and continue to actively, knowingly, and intentionally induce direct infringement of the '970 Patent in violation of 35 U.S.C. § 271(b).

21. For example, Defendants have indirectly infringed and continue to indirectly infringe at least claim 6 of the '970 Patent in the United States because Defendants' customers use such devices, including at least the Android Device Manager, Find My Device, Google Maps, Google Messages, Android Messenger, Google Hangouts, Google Plus, and Google Latitude apps installed on the Accused Devices, in accordance with Defendants' instructions and thereby directly infringe at least claim 6 of the '970 Patent in violation of 35 U.S.C. § 271. For example, ZTE directly and/or indirectly intentionally instructs its customers to infringe through training videos, demonstrations, brochures, installations and/or user guides such as those located at one or more of the following: www.ztedevice.com, www.zteusa.com, http://devicehelp.boostmobile.com/document/HowToSetupGuide/Tempo/Boost_Mobile/en/Use_Android_Device_Manager_with_your_ZTE_Tempo, and ZTE agents and representatives located within this judicial district. Defendants are thereby liable for infringement of the '970 Patent under 35 U.S.C. § 271(b).

22. For example, ZTE directly and/or indirectly instructs its customers to infringe through pre-installed applications in the exemplary Accused Devices as shown below.

participation with them, from further acts of infringement of the patents-in-suit;

d. An order awarding damages sufficient to compensate AGIS Software for Defendants' infringement of the patents-in-suit, but in no event less than a reasonable royalty, together with interest and costs;

e. An order awarding AGIS Software treble damages under 35 U.S.C. § 284 as a result of Defendants' willful and deliberate infringement of the patents-in-suit;

f. Entry of judgment declaring that this case is exceptional and awarding AGIS Software its costs and reasonable attorney fees under 35 U.S.C. § 285; and

g. Such other and further relief as the Court deems just and proper.

Dated: June 21, 2017

Respectfully submitted,

MCKOOL SMITH, P.C.

/s/ Sam Baxter [Redacted]

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