

EXHIBIT 23

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

AGIS SOFTWARE DEVELOPMENT LLC,	§	Case No.
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	
v.	§	
	§	
CATERPILLAR INC.,	§	
	§	
Defendant.	§	
	§	

PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, AGIS Software Development LLC (“AGIS Software” or “Plaintiff”) files this Complaint against Defendant Caterpillar Inc. (“CAT” or “Defendant”) 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. 8,213,970, 9,445,251, 9,467,838, 9,749,829, and 9,820,123 (the “Patents-in-Suit”).

2. On information and belief, Defendant is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business at 100 NE Adams St., Peoria, Illinois 61629. On information and belief, Defendant may be served with process through its registered agent at Corporation Service Company d/b/a/ CSC-Lawyers Incorporating Service Company, 211 East 7th Street, Suite 620, Austin, TX 78701-3218.

Alternatively, Defendant believed there was a high probability that others would infringe the '970 Patent but remained willfully blind to the infringing nature of others' actions.

23. For example, Defendant has indirectly infringed and continues to indirectly infringe at least claim 10 of the '970 Patent in the United States because Defendant's customers use the Accused Products, including at least the Find My Device (formerly known as Android Device Manager) applications and/or services or the Accused Products with the Find My Device applications and/or services, alone or in conjunction with additional Accused Products, in accordance with Defendant's instructions and thereby directly infringe at least claim 10 of the '970 Patent in violation of 35 U.S.C. § 271. Defendant 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: <https://support.catphones.com/hc/en-gb/>; <https://support.catphones.com/hc/en-gb/categories/360002969999-Cat-S62-Pro>; https://www.catphones.com/download/User-Manuals/Cat-S62-Pro-Smartphone/S62%20Pro_User_Manual_EN_V4_English.pdf; and Defendant's agents and representatives located within this Judicial District. Defendant is thereby liable for infringement of the '970 Patent under 35 U.S.C. § 271(b). Alternatively, Defendant believed there was a high probability that others would infringe the '970 Patent but remained willfully blind to the infringing nature of others' actions.

24. For example, Defendant directly infringes and/or indirectly infringes by instructing its customers to infringe by performing claim 10 of the '970 Patent, including: 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

- e. An order awarding AGIS Software treble damages under 35 U.S.C. § 284 as a result of Defendant’s 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: November 18, 2022

Respectfully submitted,

/s/ Alfred R. Fabricant

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