

EXHIBIT 25

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

AGIS SOFTWARE DEVELOPMENT LLC,

Plaintiff,

v.

KYOCERA CORPORATION,

Defendant.

§
§
§
§
§
§
§
§
§
§

Case No.

JURY TRIAL DEMANDED

PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, AGIS Software Development LLC (“AGIS Software” or “Plaintiff”) files this Complaint against Defendant Kyocera Corporation (“Kyocera” 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 Japan, with a principal place of business at 6 Takeda, Tobadono-cho, Fushimi-ku, Kyoto, Japan 612-8501. On information and belief, Defendant may be served pursuant to the provisions of the Hague Convention. Defendant is a leading manufacturer and seller of

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) Apps and/or services or the Accused Products with the Find My Device Apps 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://ss7.vzw.com/is/content/VerizonWireless/Catalog%20Assets/Devices/Kyocera/Kyocera_DuraForce_ProII%20UG/English/kyocera-duraforce-pro-ii-ug-english-20181106.pdf; https://kyoceramobile.com/wp-content/uploads/2021/10/DuraXV-LTE-User-Guide-Verizon_en.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

Alfred R. Fabricant
NY Bar No. 2219392
Email: ffabricant@fabricantllp.com
Peter Lambrianakos
NY Bar No. 2894392
Email: plambrianakos@fabricantllp.com
Vincent J. Rubino, III
NY Bar No. 4557435
Email: vrubino@fabricantllp.com

FABRICANT LLP
411 Theodore Fremd Avenue,
Suite 206 South
Rye, New York 10580
Telephone: (212) 257-5797
Facsimile: (212) 257-5796

Justin Kurt Truelove
Texas Bar No. 24013653
Email: kurt@truelovelawfirm.com
TRUELOVE LAW FIRM, PLLC
100 West Houston Street
Marshall, Texas 75670
Telephone: (903) 938-8321
Facsimile: (903) 215-8510

ATTORNEYS FOR PLAINTIFF
AGIS SOFTWARE DEVELOPMENT LLC