

EXHIBIT 13

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

AGIS SOFTWARE DEVELOPMENT, LLC,	§	
	§	Case No. 2:17-cv-513-JRG
	§	(LEAD CASE)
Plaintiff,	§	
v.	§	
	§	JURY TRIAL DEMANDED
HUAWEI DEVICE USA INC., ET AL.,	§	
	§	
Defendants.	§	
	§	

**PLAINTIFF AGIS SOFTWARE DEVELOPMENT, LLC'S
OPENING CLAIM CONSTRUCTION BRIEF**

TABLE OF CONTENTS

	<u>Page No(s).</u>
I. CLAIM CONSTRUCTION STANDARD OF REVIEW	1
A. GOVERNING LAW.....	1
B. LEVEL OF ORDINARY SKILL IN THE ART	1
C. PATENT BACKGROUND AND TECHNOLOGY	2
II. DISPUTED TERMS.....	4
i. “a data transmission means that facilitates the transmission of electronic files between said PDA/cell phones in different locations” (Claim 1 of the ’970 Patent)	4
ii. “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 to the recipient PDA/cell phone, [said forced message alert software packet containing a list of possible required responses]” (Claim 1 of the ’970 Patent).....	7
iii. “[means for. . .] requiring the forced message alert software on said recipient PDA/cell phone to transmit an automatic acknowledgment to the sender PDA/cell phone as soon as said forced message alert is received by the recipient PDA/cell phone” (’970 Patent Claim 1).....	9
iv. “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” (’970 Patent, Claim 1).....	10
v. “means for receiving and displaying a listing of which recipient PDA/cell phones have automatically acknowledged the forced message alert and which recipient PDA/cell phones have not automatically acknowledged the forced message alert” (’970 Patent, Claim 1)	11
vi. “means for periodically resending said forced message alert to said recipient PDA/cell phones that have not automatically acknowledged the forced message alert” (’970 Patent, Claim 1).....	13
vii. “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” (’970 Patent, Claim 1).....	14

Pursuant to P.R. 4-5(a) and the Court’s Docket Control Order of July 19, 2018 (Dkt. 157), Plaintiff AGIS Software Development, LLC (“AGIS”) hereby submits its Opening Claim Construction Brief. The asserted patents are U.S. Patent Nos. 8,213,970 (the “970 Patent,” Ex. A), 9,408,055 (the “055 Patent,” Ex. B), 9,445,251 (the “251 Patent,” Ex. C), 9,467,838 (the “838 Patent,” Ex. D), and 9,749,829 (the “829 Patent,” Ex. E) (together, the “Asserted Patents”).

I. CLAIM CONSTRUCTION STANDARD OF REVIEW

A. GOVERNING LAW

The governing legal standards relating to claim construction are described, for example, in the Court’s opinion in *Seoul Semiconductor Co. Ltd. v. Nichia Corp.*, 596 F. Supp. 2d 1005 (E.D. Tex. 2009), and are hereby incorporated by reference.

B. LEVEL OF ORDINARY SKILL IN THE ART

The “Field of the Invention” is described generally as related to the field of map-based communication among cellphone/PDA devices, now more commonly referred to as “smartphones.” The detailed descriptions of the inventions and the claims of the Asserted Patents draw on a combination of skills from the computer science and engineering arts. AGIS submits that a person of ordinary skill in the art (“POSITA”) would have a bachelor’s degree in computer science or computer engineering with one to two years of experience in the field of computer programming with a focus on GPS connectivity. Extensive experience and technical training may substitute for educational requirements, while advanced education may substitute for experience.

C. PATENT BACKGROUND AND TECHNOLOGY

The Asserted Patents each claim priority to, and incorporate by reference, U.S. Application No. 10/711,490 (“the ’490 Application”), which was filed on September 21, 2004.¹ The ’490 Application describes a method and apparatus for establishing a communication network for designated users (also called “participants”) of mobile devices, such as cellular telephones/PDAs. The ’490 Application describes a mobile device with a touch-display screen that depicts the location and status of other participants in the communication network on a map. *See, e.g.*, ’728 Patent at 2:18-54. By interacting with the map display, a participant in the communication network may establish groups of participants, initiate a telephone call, send a message, data, or a picture, remotely control another device, or exchange some other form of communication with another participant on the network. *Id.* In certain embodiments, the mobile device of one participant may communicate with the mobile device of a second participant in order to obtain information such as, for example, the second participant’s location. *Id.* at 10:46–51. An exemplary embodiment of the display screen of the invention is depicted in Figure 1 below.

¹ The ’490 Application issued as U.S. Patent No. 7,031,728 (“the ’728 Patent”). AGIS does not assert the ’728 Patent in this case. For ease of reference, citations to the ’728 Patent are provided in lieu of citations to the ’490 Application.

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