

# EXHIBIT B

1 DARIN W. SNYDER (S.B. #136003)  
dsnyder@omm.com  
2 LUANN L. SIMMONS (S.B. #203526)  
lsimmons@omm.com  
3 DAVID S. ALMELING (S.B. #235449)  
dalmeling@omm.com  
4 MARK LIANG (S.B. #278487)  
mliang@omm.com  
5 BILL TRAC (S.B. #281437)  
btrac@omm.com  
6 AMY K. LIANG (S.B. #291910)  
aliang@omm.com  
7 SORIN G. ZAHARIA (S.B. #312655)  
szaharia@omm.com

STACY YAE (S.B. #315663)  
syae@omm.com  
**O'MELVENY & MYERS LLP**  
400 South Hope St., 18th Fl.  
Los Angeles, CA 90071  
Telephone: (213) 430-6000  
Facsimile: (213) 430-6407

*Attorneys for Defendants Google LLC and Waze Mobile Ltd.*

8 **O'MELVENY & MYERS LLP**  
Two Embarcadero Center, 28th Fl.  
9 San Francisco, CA 94111  
Telephone: (415) 984-8700  
10 Facsimile: (415) 984-8701

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN JOSE DIVISION**

14 AGIS SOFTWARE DEVELOPMENT LLC,  
15 Plaintiff,  
16 v.  
17 GOOGLE LLC,  
18 Defendant.

Case No. 5:22-cv-04826-BLF  
(Consolidated case)

**DEFENDANTS' PATENT L.R. 4-2  
DISCLOSURE OF PRELIMINARY  
CLAIM CONSTRUCTIONS  
AND EVIDENCE**

Judge: Hon. Beth Labson Freeman  
Courtroom: 3, Fifth Floor

19 AGIS SOFTWARE DEVELOPMENT LLC,  
20 Plaintiff,  
21 v.  
22 WAZE MOBILE LTD.,  
23 Defendant.

Complaint Filed: November 4, 2019

24  
25  
26  
27  
28

Pursuant to the Joint Stipulation and Order Regarding Deadlines for Supplemental *Markman* Proceedings (ECF 484) and Patent Local Rule 4-2, Defendants Google LLC (“Google”) and Waze Mobile Ltd. (“Waze”) (collectively, “Defendants”) provide their preliminary claim constructions and evidence. Pursuant to the Court’s instruction at the November 6, 2023 Further Case Management Conference (ECF 478), Defendants address the meaning of two phrases:

(i) the claim term, “remote control,” recited in all claims of U.S. Patent No. 9,749,829 (“’829 Patent”); and

(ii) the word, “participants,” within the agreed construction of the claim term “group,” which is “more than two participants associated together,” where “group” is recited in all claims of the ’829 Patent and U.S. Patent No. 9,820,123 (“’123 Patent”).

**I. DEFENDANTS’ PRELIMINARY CONSTRUCTIONS AND EVIDENCE**

No.	Claim Term <sup>1</sup>	Defendants’ Proposed Construction and Evidence
1.	“participants” within the agreed construction of “group,” which is “more than two participants associated together”  (’829 Patent, all asserted claims; <sup>2</sup> ’123 Patent, all asserted claims <sup>3</sup> )	“participants” means “ <u>users of devices</u> ,” such that the construction of “group” is “more than two <u>users of devices</u> associated together”  <u>Intrinsic Evidence</u> <ul style="list-style-type: none"> <li>• ’829 Patent<sup>4</sup> at 7:9-12, 7:18-20, 1:47-51, 4:36-40, 5:7-12, 6:62-66, 9:54-57, 14:20-21, 7:43-46.</li> </ul> <u>Extrinsic Evidence</u> <ul style="list-style-type: none"> <li>• December 22, 2020 Joseph McAlexander III Deposition Tr. at 88:25-89:4;</li> <li>• <i>AGIS Software Development LLC v. Huawei Device USA Inc., et al.</i>, 2:17-cv-513 (E.D. Tex.), ECF 165</li> </ul>

<sup>1</sup> For all claim terms, Google reserves the right to rely on sections of evidence cited by Plaintiff AGIS Software Development (“AGIS”).

<sup>2</sup> The ’829 Patent claims asserted against Google and Waze are:

- Google: claims 8, 20, 27, 34, 41, and 60;
- Waze: claims 1, 4, 16, 20, 24, 27, 32, 34, 38, 41, 45, 50, 60, and 67.

<sup>3</sup> On October 10, 2023, the Court issued an order holding that Google does not infringe the ’123 Patent. ECF 470. The construction of the term “participants” in the ’123 Patent is thus only relevant to AGIS’s case against Waze. The ’123 Patent claims asserted against Waze are claims 1, 7, 10, 12, 15, 16, 17, 18, 34, 36, 37, 41, 46, and 48.

<sup>4</sup> The ’829 Patent shares a common specification with the ’123 Patent; thus, citations to the ’829 Patent specification should be understood to include the same citations to the ’123 Patent specification

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

		<p>(Plaintiff AGIS Software Development, LLC’s Opening Claim Construction Brief) at 2;</p> <ul style="list-style-type: none"> <li>• U.S. Patent No. 8,213,970 at cl. 2, 3:56-67, 5:45-47, 5:54-57, 5:26-27, 6:13-16, 1:15-17, 1:51-53, 1:58-60, 3:25-27;</li> <li>• New Oxford Am. Dict. (3rd ed. 2010) at 1277;</li> <li>• Cambridge Dict. of Am. English (2nd ed. 2008) at 624;</li> <li>• House Webster’s College Dict. (Updated ed. 2005) at 896;</li> <li>• Cambridge Advanced Learner’s Dict. (2003) at 904.</li> </ul>
2.	<p>“remote control”  ('829 Patent, all asserted claims)</p>	<p>“control of another device to perform a selected action without any action by that other device’s operator,” where the “selected action” cannot be sharing device location information</p> <p><u>Intrinsic Evidence</u></p> <ul style="list-style-type: none"> <li>• '829 Patent File History, Reply to November 2, 2016 Office Action at 16-17;</li> <li>• '829 Patent File History, Reply to March 6, 2017 Office Action at 18-20;</li> <li>• U.S. Patent No. 7,630,724 at 2:48-3:20, Fig. 3, 9:25-30;</li> <li>• U.S. Patent No. 7,031,728 at 2:43-52, 2:5-17, 6:61-67, Fig. 3, 3:13-17, 5:55-6:4, 9:52-57, 10:7-11, 11:43-64, claims 1 and 2.</li> </ul> <p><u>Extrinsic Evidence</u></p> <ul style="list-style-type: none"> <li>• Collins Dict. of Electronics (2007) at 351;</li> <li>• Dict. of Computing (6th ed. 2010) at 283;</li> <li>• Chambers Dict. of Science and Tech. (2007) at 1018;</li> <li>• Dict. of Science and Tech. (2nd ed. 2003) at 518;</li> <li>• Oxford Dict. of English (3rd ed. 2010) at 1503;</li> <li>• Collins Dict. (10th ed. 2009) at 1389;</li> <li>• Macmillan English Dict. for Advanced Learners (2nd ed. 2007) at 323;</li> <li>• The Chambers Dict. (13th ed. 2016) at 339;</li> <li>• Longman Dict. of American English (5th ed. 2014) at 244;</li> <li>• Webster’s College Dict. (2005) at 269.</li> </ul>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: December 15, 2023

*/s/ Mark Liang*

---

DARIN W. SNYDER  
LUANN L. SIMMONS  
DAVID S. ALMELING  
MARK LIANG  
BILL TRAC  
AMY K. LIANG  
SORIN G. ZAHARIA  
STACY YAE  
**O'MELVENY & MYERS LLP**

*Attorneys for Defendant GOOGLE  
LLC and WAZE MOBILE LTD.*