

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

AGIS SOFTWARE DEVELOPMENT LLC,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 2:22-cv-00263-JRG-RSP
	§	
SAMSUNG ELECTRONICS CO., LTD. and	§	
SAMSUNG ELECTRONICS AMERICA,	§	
INC.,	§	
	§	
<i>Defendants.</i>	§	
	§	

**ORDER GRANTING PARTIES’ JOINT MOTION FOR ENTRY OF
CLAIM CONSTRUCTION WITH REGARD TO CERTAIN SPECIFIED TERMS
BASED ON ESTABLISHED PRIOR RECORD**

Plaintiff AGIS Software Development LLC (“AGIS” or “Plaintiff”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung” or “Defendants”) (collectively, the “Parties”) jointly moved for entry of applicable portions of the briefing, evidence, and hearing transcripts concerning certain terms. The Parties seek to incorporate into the record of the above-captioned case the claim construction records relevant to certain claim terms identified in Appendix A, presented to the Court in *AGIS Software Development LLC v. Huawei Device USA Inc., et al.*, Case No. 2:17-cv-513-JRG-RSP (E.D. Tex.) (Lead Case) (the “Huawei Case”); *AGIS Software Development LLC v. Google LLC*, Case No. 2:19-cv-361-JRG (E.D. Tex.) (Lead Case) (the “Google Case”); and/or *AGIS Software Development LLC v. T-Mobile USA, Inc.*, Case No. 2:21-cv-72-JRG-RSP (E.D. Tex.) (Lead Case) (the “T-Mobile Case”), including parties’ briefing and oral argument.

The Parties each agree not to contend that this joint motion and/or entry of relevant portions of the previous claim construction record constitutes a waiver or forfeiture of any right to appeal,

or of the relevant prior arguments regarding, the claim construction order ultimately entered in this case.

Having considered the Motion, the Court finds it should be and hereby is **GRANTED**.

1. The documents identified as Exhibits D-1 – D-15 to the Motion are entered as part of the claim construction record in the above-captioned case but only insofar as each relates to the terms set forth in Appendix A of the Motion.
2. The Court adopts the Parties' agreed-upon constructions:

Claim Term/Phrase	Patent/ Claims	Construction
a data transmission means that facilitates the transmission of electronic files between said PDA/cell phones in different locations	'970 Patent: claim 2	<p>Governed by 35 U.S.C. § 112(6).¹</p> <p>Function: “facilitating the transmission of electronic files between said PDA/cell phones in different locations”</p> <p>Structure: “communications network server using TCP/IP or other digital transmission means; and equivalents thereof”</p>
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 and 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	'970 Patent: claim 2	<p>Governed by 35 U.S.C. § 112(6).²</p> <p>Function: “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 and 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”</p>

¹ *AGIS Software Development LLC v. Google LLC*, Case No. 2:19-cv-00361- JRG-RSP (Lead Case), Dkt No. 147 (“*Google Claim Construction Order*”).

² *Google Claim Construction Order*.

Claim Term/Phrase	Patent/ Claims	Construction
alert is received by the recipient PDA/cell phone		Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the ’970 Patent at 7:8–8:36; and equivalents thereof”
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 2	Governed by 35 U.S.C. § 112(6).³ Function: “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” Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the ’970 Patent at 8:37-57; and equivalents thereof”
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 2	Governed by 35 U.S.C. § 112(6).⁴ Function: “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” Structure: “PDA/cell phone hardware including display 16 and a wireless receiver and/or transceiver; and equivalents thereof”
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 2	Governed by 35 U.S.C. § 112(6).⁵ Function: “periodically resending said forced message alert to said recipient PDA/cell phones that have not automatically acknowledged the forced message alert” Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the ’970 Patent at 7:64-67 and 8:6-8; and equivalents thereof”
means for receiving and displaying a listing of which recipient PDA/cell phones have	’970 Patent: claim 2	Governed by 35 U.S.C. § 112(6).⁶

³ Google Claim Construction Order.⁴ Google Claim Construction Order.⁵ Google Claim Construction Order.⁶ Google Claim Construction Order.

Claim Term/Phrase	Patent/ Claims	Construction
transmitted a manual response to said forced message alert and details the response from each recipient PDA/cell phone that responded		<p>Function: “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”</p> <p>Structure: “PDA/cell phone hardware including display 16 and a wireless receiver and/or transceiver; and equivalents thereof”</p>
means for transmitting the acknowledgment of receipt to said sender PDA/cell phone immediately upon receiving a forced message alert from the sender PDA/cell phone	'970 Patent: claim 2	<p>Governed by 35 U.S.C. § 112(6).⁷</p> <p>Function: “transmitting the acknowledgement of receipt to said sender PDA/cellphone immediately upon receiving a forced message alert from the sender PDA/cellphone”</p> <p>Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the '970 Patent at 8:20-30; and equivalents thereof”</p>
means for controlling of the recipient PDA/cell phone upon transmitting said automatic acknowledgment and causing, in cases where the force message alert is a text message, the text message and a response list to be shown on the display of the recipient PDA/cell phone or causes, in cases where the forced message alert is a voice message, the voice message being periodically repeated by the speakers of the recipient PDA/cell phone while said response list is shown on the display	'970 Patent: claim 2	<p>Governed by 35 U.S.C. § 112(6).⁸</p> <p>Function: “controlling of the recipient PDA/cellphone upon transmitting said automatic acknowledgment and causing, in cases where the forced message alert is a text message, the text message and a response list to be shown on the display of the recipient PDA/cellphone or causes, in cases where the forced message alert is a voice message, the voice message being periodically repeated by the speakers of the recipient PDA/cellphone while said response list is shown on the display”</p> <p>Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the '970 Patent at 8:37-44 and 8:46-51; and equivalents thereof”</p>
means for allowing a manual response to be manually selected from the response list	'970 Patent: claim 2	<p>Governed by 35 U.S.C. § 112(6).⁹</p>

⁷ Google Claim Construction Order.

⁸ Google Claim Construction Order.

⁹ Google Claim Construction Order.

Claim Term/Phrase	Patent/ Claims	Construction
or manually recorded and transmitting said manual response to the sender PDA/cell phone		<p>Function: “allowing a manual response to be manually selected from the response list or manually recorded and transmitting said manual response to the sender PDA/cell phone”</p> <p>Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the ’970 Patent at 8:39-44 & 8:52-57; and equivalents thereof”</p>
means for clearing the text message and a response list from the display of 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 2	<p>Governed by 35 U.S.C. § 112(6).¹⁰</p> <p>Function: “clearing the text message and a response list from the display of the recipient PDA/cell phone or stopping the repeating voice message and clearing the response list from the display of the recipient PDA/cell phone once the manual response is transmitted”</p> <p>Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the ’970 Patent at 8:44–46 and 8:52–57; and equivalents thereof”</p>
the response list	’970 Patent: claim 2	The antecedent basis for “the response list” is the “list of possible required responses” recited in the “means for attaching . . .” limitation.¹¹
a response list	’970 Patent: claim 2	Plain and ordinary meaning¹²
recipient PDA/cell phone	’970 Patent: claims 2, 10	Plain and ordinary meaning¹³
sender PDA/ cell phone	’970 Patent: claims 2, 10, 13	Plain and ordinary meaning¹⁴

¹⁰ Google Claim Construction Order.¹¹ Google Claim Construction Order.¹² Google Claim Construction Order.¹³ Google Claim Construction Order.¹⁴ Google Claim Construction Order.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.