# Exhibit C

**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF FLORIDA**

**CASE NO: 14-80651-CV-MIDDLEBROOKS**

ADVANCED GROUND INFORMATION SYSTEMS, INC.,

Plaintiff,

v.

LIFE360, INC.,

Defendant.
_____/

# MARKMAN ORDER

On November 4, 2014, the Court held a claim construction hearing. Based on the Parties' submissions and arguments at the hearing, the Court issues the following claim construction order.

## I. BACKGROUND.

On May 16, 2014, Plaintiff Advanced Ground Information Systems, Inc. ("AGIS") filed a complaint, alleging patent infringement by Defendant Life360, Inc. ("Life360"). (DE 1). Life360 has developed a smartphone software application, that AGIS alleges infringes the following four patents: U.S. Patent No. 7,031,728 (the "'728 Patent"); U.S. Patent No. 7,672,681 (the "'681 Patent"); U.S. Patent No. 7,764,954 (the "'954 Patent"); and U.S. Patent No. 8,126,441 (the "'441 patent") (collectively, "patents-in-suit").[1] While the specifications vary from another, the patents-in-suit relate to a method and apparatus for establishing a communication network for participants having mobile devices. The '728 patent was filed first,

[1] The named inventor of the patents-in-suit, Malcolm K. Beyer, Jr. ("Applicant"), is the founder and CEO of AGIS.

while the '681 patent, the '954 patent, and the '441 patent were filed as continuations-in-part of the '728 patent. AGIS alleges that Life360 infringes claims 3, 7 and 10 of the '728 patent, claims 1, 5, and 9 of the '681 Patent, claims 1 and 2 of the '954 Patent, and claims 1-8 of the '441 Patent.

**A. The '728 Patent.**

The '728 Patent describes a mobile device with a display screen. *See, e.g.*, '728 Patent, 1:6-15, 11:10-42. The screen depicts the location and status of other participants in the communication network on a map. *Id.* at 11:10-42. Symbols are generated on each of the participants' cellular phones representing the latitude and longitude of other participants. *Id.* at 3:46-48. A participant in the communication network may initiate a telephone call, send a text message, or exchange data or pictures with other participants on the network by touching a symbol representative of the other participant on the screen. *Id.* at 11:10-42.

**B. The '681 Patent.**

The '681 Patent claims priority from the '728 Patent as a continuation-in-part, and claims a system and method for creating and modifying the items displayed on the touch screen displays of the participants' mobile devices. *See, e.g.*, '681 Patent, 9:60-11:56. Specifically, the focus of the '681 Patent is to enable "a designated administrator using a personal computer (PC) or other input device" to "reprogram all user and network participants' cell phone devices to change, modify or create new virtual soft switch names and symbols for a different operating environment." *Id.* at 1:64-2:14.

**C. The '954 Patent.**

The '954 Patent expands upon the teachings of the '728 Patent and describes systems that allow users "to set up either a public peer to peer communications network where all can access

or a private peer to peer communications network . . . ." '728 Patent at 1:52-57. In one embodiment, the '954 Patent claims a method wherein a participant's mobile device may communicate with a computer server from which the participants may download map information to their mobile devices. *See id.* at 7:25-64, 10:32-44. In another embodiment, the '954 Patent discloses a method wherein soft switches are depicted on the touch screen display of the mobile device, but also may be hidden in order to increase the available display area for other purposes. *Id.* at 10:56-11:16.

**D. The '441 Patent.**

The '441 Patent further adds to the ideas of the '728 Patent. In one embodiment, the '441 Patent claims a "polling" method in which a first participant sends a polling message to a second participant which causes the second participant's information, such as their location, to be reported to the other participants in the network. *See, e.g.*, '441 Patent, 8:29-63. In another embodiment, the '441 Patent claims a method for creating a communication network wherein the participants share a common interest such as, for example, friendship. *Id.* at 9:19-58.

## II. LEGAL STANDARD.

**A. Claim Construction.**

Claim construction is a question of law to be determined by the Court. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995), *aff'd*, 517 U.S. 370 (1996). Claim construction analysis begins by looking to the words of the claims. *Teleflex, Inc. v. Ficosa N. Am. Corp.*, 299 F.3d 1313, 1324 (Fed. Cir. 2002). The words of the claims are "generally given their ordinary and customary meaning," which is "the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-1313 (Fed.

Cir. 2005). The ordinary and customary meaning of a claim term may be determined solely by viewing the term within the context of the claim's overall language. *See Phillips*, 415 F.3d at 1314 ("[T]he use of a term within the claim provides a firm basis for construing the term."). Moreover, the use of the term in other claims may provide guidance regarding its proper construction. *See id.* ("Other claims of the patent in question, both asserted and unasserted, can also be valuable sources of enlightenment as to the meaning of a claim term."). Claims should be construed "without reference to the accused device." *SRI Int'l v. Matsushita Elec. Corp. of Am.*, 775 F.2d 1107, 1118 (Fed. Cir. 1985) (emphasis omitted). Once the proper meaning of a term used in a claim has been determined, the term must have the same meaning for all claims in which it appears. *See Phillips*, 415 F.3d at 1314 (citations omitted).

A claim should also be construed in a manner that is consistent with the patent's specification. *See Markman*, 52 F.3d at 979 ("Claims must be read in view of the specification, of which they are a part."). Typically, the specification is the best guide for construing the claims. *See Phillips*, 415 F.3d at 1315. Precedent forbids, however, a construction of claim terms that imposes limitations not found in the claims or supported by an unambiguous restriction in the specification or prosecution history. *Laitram Corp. v. NEC Corp.*, 163 F.3d 1342, 1347 (Fed. Cir. 1998).

Another tool to supply proper context for claim construction is the prosecution record and any statements made by the patentee to the United States Patent and Trademark Office ("PTO") regarding the scope of the invention. *See Markman*, 52 F.3d at 980. A patent's "prosecution history . . . consists of the complete record of the proceedings before the PTO and includes the prior art cited during the examination of the patent." *Phillips*, 415 F.3d at 1317 (citation omitted). However, the Federal Circuit has warned that "because the prosecution history

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