

Exhibit H

Appeal No. 2015-1732

United States Court of Appeals
for the
Federal Circuit

ADVANCED GROUND INFORMATION SYSTEMS, INC.,

Plaintiff-Appellant,

– v. –

LIFE360, INC.,

Defendant-Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA, CASE NO.
9:14-CV-80651-DMM, JUDGE DONALD M. MIDDLEBROOKS

BRIEF FOR PLAINTIFF-APPELLANT
ADVANCED GROUND INFORMATION SYSTEMS, INC.

MARK A. HANNEMANN
GEORGE E. BADENOCH
MARK A. CHAPMAN
THOMAS R. MAKIN
ROSE CORDERO PREY
VINCENT J. RUBINO
ALESSANDRA CARCATERRA
KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200

*Attorneys for Plaintiff-
Appellant Advanced Ground
Information Systems, Inc.*

August 11, 2015

CERTIFICATE OF INTEREST

Counsel for Plaintiff-Appellant Advanced Ground Information Systems, Inc. certifies the following:

1. The full name of every party or amicus curiae represented by counsel is:

Advanced Ground Information Systems, Inc.

2. The name of the real party in interest represented by counsel is:

None.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by counsel are:

Advanced Ground Information Systems, Inc. does not have any parent corporations. No publicly held company owns 10 percent or more of its stock.

4. The names of all law firms and the partners or associates that appeared for the party represented by me in the trial court or agency or are expected to appear in this court are:

George E. Badenoch, Mark A. Hannemann, Mark A. Chapman, Thomas R. Makin, Rose Cordero Prey, Vincent J. Rubino, and Alessandra Carcaterra of KENYON & KENYON LLP.

Ury Fischer and Adam Diamond of LOTT & FISCHER, PL.

Dated: August 11, 2015

By: /s/ Mark A. Hannemann
Mark A. Hannemann
KENYON & KENYON LLP

TABLE OF CONTENTS

	Page
CERTIFICATE OF INTEREST	i
TABLE OF AUTHORITIES	iv
STATEMENT OF RELATED CASES	1
JURISDICTIONAL STATEMENT	2
INTRODUCTION	3
STATEMENT OF ISSUES	7
STATEMENT OF THE CASE.....	8
STATEMENT OF FACTS	11
I. AGIS and the Asserted Beyer Patents	11
II. The District Court’s Ruling that the Asserted System and Device Claim Elements Are Subject to § 112, ¶ 6.....	12
A. The “Symbol Generator” and “CPU Software” Elements of the Asserted System and Device Claims.....	13
B. The Evidence that Those Skilled In the Art Would Have Understood the “Symbol Generator” and “CPU Software” Elements to Refer to Well-Known Classes of Standard Software Modules.....	15
C. The District Court’s Confusion that AGIS’s Expert Testimony Related to Enablement	18
SUMMARY OF ARGUMENT	22
STANDARD OF REVIEW	23
ARGUMENT	24
I. The Judgment that the Asserted System and Device Claims Are Indefinite Should Be Reversed	24

A.	The “Symbol Generator” Elements Are Not Subject to § 112, ¶ 6	25
1.	The Evidence Showed that Those Skilled In the Art Would Have Understood the “Symbol Generator” Elements to Refer to a Well-Known Class of Standard Software Modules	26
2.	The District Court Erred In Concluding that the “Symbol Generator” Elements Are Subject to § 112, ¶ 6.....	28
B.	The “CPU Software” Elements Are Not Subject to § 112, ¶ 6.....	34
1.	The Evidence Showed that Those Skilled In the Art Would Have Understood the “CPU Software” Elements to Refer to Two Well-Known Classes of Standard Software Modules	35
2.	The District Court Erred In Concluding that the “CPU Software” Elements Are Subject to § 112, ¶ 6	37
C.	§ 112, ¶ 6 Should Apply Only Where a Claim Element Uses the Term “Means”	39
	CONCLUSION.....	44

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.