

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

AGIS SOFTWARE DEVELOPMENT LLC,

v.

HMD GLOBAL, et al.

Case No. 2:22-cv-00443-JRG
(Lead Case)

AGIS SOFTWARE DEVELOPMENT LLC,

v.

SONY CORPORATION, et al.

Case No. 2:22-cv-00448-JRG
(Member Case)

**DEFENDANT SONY CORPORATION’S RESPONSE TO
AGIS SOFTWARE DEVELOPMENT LLC’S COMPLAINT**

Defendant Sony Corporation (hereinafter “Sony”), by and through its undersigned counsel, hereby answers the Complaint filed by Plaintiff AGIS Software Development LLC (“Plaintiff” or “AGIS”) as follows:

GENERAL DENIAL

Pursuant to Fed. R. Civ. P. 8(b)(3), Sony denies all allegations in AGIS’s Complaint, except those expressly admitted below.

THE PARTIES¹

1. Sony is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in Paragraph 1 of the Complaint, and therefore denies them.

¹ For ease of reference, Sony responds to AGIS’s allegations using the outline headings used in AGIS’s Complaint. Sony does not admit any of the allegations contained in AGIS’s outline headings. Sony’s responses to AGIS’s allegations correspond to the numbered paragraphs in the Complaint. Unless otherwise stated, to the extent any outline heading can be construed as an allegation, Sony specifically denies all such allegations.

2. Sony admits that Sony is a Japanese corporation with its principal place of business and headquarters at 1-7-1 Konan Minato-ku, Tokyo, 108-0075, Japan. To the extent paragraph 2 of the Complaint contains conclusions of law, no response is necessary. Sony denies the remaining allegations and characterizations contained in Paragraph 2 of the Complaint. In particular, and without limitation, Sony specifically denies that Sony was served pursuant to the provisions of the Hague Convention. Sony also specifically denies that it manufactures smartphones and tablets. Sony further specifically denies that it sells smartphones and tablets in the United States. Sony further specifically denies that it does business in Texas and in the Eastern District of Texas (i.e., “this District”).

3. Sony denies all allegations in this paragraph insofar as the paragraph refers to “Sony Mobile Communications, Inc.,” as “Sony Mobile Communications, Inc.” did not exist at the time of AGIS’s Complaint and likewise does not exist today. Sony Mobile Communications, Inc. and other Sony entities were integrated into one company named “Sony Corporation” as of April 1, 2021.

4. Sony is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in Paragraph 4 of the Complaint, and therefore denies them.

JURISDICTION AND VENUE

5. Sony admits that that 28 U.S.C. §§ 1331 and 1338(a) grant this Court subject matter jurisdiction to hear allegations of patent infringement, but Sony denies the legal and factual sufficiency of AGIS’s claims and allegations.

6. For the purpose of this action only, Sony does not contest (but does not admit) that this Court has personal jurisdiction over Defendant Sony Corporation. Sony specifically denies

that it has committed or induced acts of patent infringement in this District or any other Judicial District. Sony denies the remaining allegations in this paragraph.

7. For purposes of this action only, Sony does not contest (but does not admit) that venue is proper in this District under 28 U.S.C. §§ 1391 and 1400(b). For the purpose of this action only, Sony does not contest (but does not admit) that this Court has personal jurisdiction over the Defendant. Sony denies the remaining allegations in this paragraph. In particular, and without limitation, Sony specifically denies that it has committed acts of patent infringement in this District or any other Judicial District. Sony also specifically denies that it has a regular and established place of business in this District. Sony further specifically denies that venue in this District would be convenient for the parties or witnesses. The Federal Circuit's decision in *In re Google LLC et al.*, Nos. 2022-140, -141, -142, 2022 WL 1613192 (Fed. Cir. May 23, 2022) confirms that the Northern District of California is a "clearly more convenient forum" for adjudicating AGIS's claims related to Google's Find My Device and Google Maps functionalities, which are the only functionalities identified in AGIS's Complaint.

PATENTS-IN-SUIT

8. Sony admits that the United States Patent and Trademark Office ("USPTO") issued U.S. Patent No. 8,213,970 ("the '970 Patent"), titled "Method of Utilizing Forced Alerts for Interactive Remote Communications" on July 3, 2012. Sony admits that the USPTO issued an *Inter Partes* Review Certificate for the '970 Patent cancelling claims 1 and 3-9 on September 1, 2021. Sony admits that the USPTO issued an *Ex Parte* Reexamination Certificate for the '970 Patent on December 9, 2021. Except as expressly admitted, Sony denies the remaining allegations in this paragraph.

9. Sony admits that the USPTO issued U.S. Patent No. 9,445,251 ("the '251 Patent"), titled "Method to Provide Ad Hoc and Password Protected Digital and Voice Networks," on

September 13, 2016. Sony admits that the USPTO issued an *Ex Parte* Reexamination Certificate for the '251 Patent on June 8, 2021. Except as expressly admitted, Sony denies the remaining allegations in this paragraph.

10. Sony admits that the USPTO issued U.S. Patent No. 9,467,838 (the "'838 Patent"), titled "Method to Provide Ad Hoc and Password Protected Digital and Voice Networks" on October 11, 2016. Sony admits that the USPTO issued an *Ex Parte* Reexamination Certificate for the '838 Patent on May 27, 2021. Except as expressly admitted, Sony denies the remaining allegations in this paragraph.

11. Sony admits that the USPTO issued U.S. Patent No. 9,749,829 ("the '829 Patent"), titled "Method to Provide Ad Hoc and Password Protected Digital and Voice Networks" on August 29, 2017. Sony admits that the USPTO issued an *Ex Parte* Reexamination Certificate for the '829 Patent on August 16, 2021. Except as expressly admitted, Sony denies the remaining allegations in this paragraph.

12. Sony admits that the USPTO issued U.S. Patent No. 9,820,123 ("the '123 Patent"), titled "Method to Provide Ad Hoc and Password Protected Digital and Voice Networks" on November 14, 2017. Sony admits that the USPTO issued an *Ex Parte* Reexamination Certificate for the '123 Patent on September 24, 2021. Except as expressly admitted, Sony denies the remaining allegations in this paragraph.

13. Sony is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in this paragraph, and therefore denies them.

FACTUAL ALLEGATIONS

14. Sony is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in this paragraph, and therefore denies them.

15. Sony is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in this paragraph, and therefore denies them.

16. To the extent this paragraph contains conclusions of law, no response is necessary. To the extent this paragraph otherwise contains allegations of fact, Sony is without knowledge or information sufficient to form a belief as to the truth of the allegations and characterizations contained in this paragraph, and therefore denies them.

17. Sony admits that paragraph 17 purports to identify certain Sony mobile devices that AGIS alleges Sony manufactures, uses, sells, offers for sale, and/or imports into the United States. Except as expressly admitted, Sony denies all remaining allegations in this paragraph, and Sony specifically denies that any of the identified products or components infringe any of the Patents-in-Suit, either directly or indirectly.

18. Sony admits that its identified products may in certain but not all circumstances include functionalities designed, developed, and obtained from third parties, such as the “Find My Device” (“FMD”) and “Google Maps Apps” (“GM”) identified elsewhere in the Complaint. The allegations and characterizations concerning those functionalities in this paragraph implicate claim construction and third-party discovery, as Google—not Sony—is the authoritative source concerning the operation of FMD and GM. As a result, Sony lacks sufficient information at this time to form a belief as to the truth of the allegations and characterizations in this paragraph, and therefore denies them. Sony specifically denies that any of the identified products infringe, directly or indirectly, literally or under the doctrine of equivalents, any valid and enforceable claim of the “Patents-in-Suit.”²

² Sony mirrors here the language AGIS used in paragraph 1 of its Complaint but will otherwise refer to the '970, '251, '838, '829, and '123 Patents as the “Asserted Patents.”

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