

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

AGIS SOFTWARE DEVELOPMENT LLC,	§	Case No.
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	
v.	§	
	§	
XIAOMI CORPORATION, XIAOMI H.K. LTD., XIAOMI COMMUNICATIONS CO., LTD., AND XIAOMI INC.,	§	
	§	
Defendants.	§	
	§	

PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, AGIS Software Development LLC (“AGIS Software” or “Plaintiff”) files this Complaint against Defendants Xiaomi Corporation (“Xiaomi Corp.”), Xiaomi H.K. Ltd. (“Xiaomi H.K.”), Xiaomi Communications Co., Ltd. (“Xiaomi Communications”), and Xiaomi Inc. (“Xiaomi Inc.”) (collectively, “Xiaomi” or “Defendants”) for patent infringement under 35 U.S.C. § 271 and alleges as follows:

THE PARTIES

1. Plaintiff AGIS Software is a limited liability company, organized and existing under the laws of the State of Texas, and maintains its principal place of business at 100 W. Houston Street, Marshall, Texas 75670. AGIS Software is the owner of all right, title, and interest in and to U.S. Patent Nos. 8,213,970, 9,445,251, 9,467,838, 9,749,829, and 9,820,123 (the “Patents-in-Suit”).

2. On information and belief, Defendant Xiaomi Corp. is a corporation organized and existing under the laws of the Cayman Islands, with a place of business at Maples Corporate Services Limited, P.O. Box 309, Ugland House, Grand Cayman, KY1-1104, Cayman Islands. On

information and belief, Xiaomi Corp. may be served pursuant to the provisions of the Hague Convention. Xiaomi Corp. is a leading manufacturer and seller of smartphones in the world and throughout the United States. On information and belief, Xiaomi Corp. does business in Texas and in the Eastern District of Texas, directly or through its subsidiaries.

3. On information and belief, Defendant Xiaomi Communications is a corporation organized and existing under the laws of the People's Republic of China, with its principal place of business at Xiaomi Office Building, 68 Qinghe Middle Street, Haidian District, Beijing, China 100085. On information and belief, Xiaomi Communications may be served pursuant to the provisions of the Hague Convention. Xiaomi Communications is a leading manufacturer and seller of smartphones in the world and throughout the United States. On information and belief, Xiaomi Communications does business in Texas and in the Eastern District of Texas, directly or through its subsidiaries.

4. On information and belief, Xiaomi H.K. is a corporation organized and existing under the laws of Hong Kong, with its principal place of business at Unit 806, Tower 2 8/F, Cheung Sha Wan Plaza, 833 Cheung Sha Wan Road, Kowloon City, Hong Kong. On information and belief, Xiaomi H.K. may be served pursuant to the provisions of the Hague Convention. Xiaomi H.K. is a leading manufacturer and seller of smartphones in the world and throughout the United States. On information and belief, Xiaomi H.K. does business in Texas and in the Eastern District of Texas, directly or through its subsidiaries.

5. On information and belief, Xiaomi Inc. is a corporation organized under the laws of People's Republic of China, with its principal place of business at Xiaomi Office Building, 68 Qinghe Middle Street, Haidian District, Beijing, China 100085. On information and belief, Xiaomi Inc. may be served pursuant to the provisions of the Hague Convention. Xiaomi Inc. is a

leading manufacturer and seller of smartphones in the world and throughout the United States. On information and belief, Xiaomi Inc. does business in Texas and in the Eastern District of Texas, directly or through its subsidiaries.

6. Defendants have authorized sellers and sales representatives that offer and sell products pertinent to this Complaint through the State of Texas, including in this Judicial District, and to consumers throughout this Judicial District, such as: Best Buy, 422 West TX-281 Loop, Suite 100, Longview, Texas 75605; and Walmart, 1701 East End Boulevard North, Marshall, Texas 75670; 515 East Loop 281, Longview, Texas 75605; and 4006 Estes Parkway, Longview, Texas 75603.

JURISDICTION AND VENUE

7. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1, *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

8. This Court has specific and personal jurisdiction over Defendants consistent with the requirements of the Due Process Clause of the United States Constitution and the Texas Long Arm Statute. On information and belief, Defendants have sufficient minimum contacts with the forum because Defendants transact substantial business in the State of Texas and in this Judicial District. Further, Defendants have, directly or through subsidiaries or intermediaries, committed and continue to commit acts of patent infringement in the State of Texas and in this Judicial District as alleged in this Complaint, as alleged more particularly below.

9. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Defendants are subject to personal jurisdiction in this Judicial District, have committed acts of patent infringement in this Judicial District, and have regular and established places of

business in this Judicial District. Defendants, through their own acts and/or through the acts of others, make, use, sell, distribute, export from, import, and/or offer to sell infringing products within this Judicial District, regularly do and solicit business in this Judicial District, and have the requisite minimum contacts with this Judicial District, such that this venue is a fair and reasonable one. Further, on information and belief, Defendants have admitted or not contested proper venue in this Judicial District in other patent infringement actions.

PATENTS-IN-SUIT

10. On July 3, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,213,970 (the “’970 Patent”) entitled “Method of Utilizing Forced Alerts for Interactive Remote Communications.” On September 1, 2021, the United States Patent and Trademark Office issued an *Inter Partes* Review Certificate for the ’970 Patent cancelling claims 1 and 3-9. On December 9, 2021, the United States Patent and Trademark Office issued an *Ex Parte* Reexamination Certificate for the ’970 Patent determining claims 2 and 10 (as amended) and claims 11-13 to be valid and patentable. A true and correct copy of the ’970 Patent, which includes the September 1, 2021 *Inter Partes* Review Certificate and the December 9, 2021 *Ex Parte* Reexamination Certificate, is available at: <https://ppubs.uspto.gov/pubwebapp/external.html?q=8,213,970.pn.&db=USPAT>.

11. On September 13, 2016, the United States and Trademark Office duly and legally issued U.S. Patent No. 9,445,251 (the “’251 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” On June 8, 2021, the United States Patent and Trademark Office issued an *Ex Parte* Reexamination Certificate of the ’251 Patent determining claims 1-35 to be valid and patentable. A true and correct copy of the ’251 Patent, which includes

the June 8, 2021 *Ex Parte* Reexamination Certificate, is available at: <https://ppubs.uspto.gov/pubwebapp/external.html?q=9,445,251.pn.&db=USPAT>.

12. On October 11, 2016, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,467,838 (the “’838 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” On May 27, 2021, the United States Patent and Trademark Office issued an *Ex Parte* Reexamination Certificate for the ’838 Patent confirming the validity and patentability of claims 1-84. A true and correct copy of the ’838 Patent, which includes the May 27, 2021 *Ex Parte* Reexamination Certificate, is available at: <https://ppubs.uspto.gov/pubwebapp/external.html?q=9,467,838.pn.&db=USPAT>.

13. On August 29, 2017, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,749,829 (the “’829 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” On August 16, 2021, the United States Patent and Trademark Office issued an *Ex Parte* Reexamination Certificate for the ’829 Patent confirming the validity and patentability of claims 1-68. A true and correct copy of the ’829 Patent, which includes the August 16, 2021 *Ex Parte* Reexamination Certificate, is available at: <https://ppubs.uspto.gov/pubwebapp/external.html?q=9,749,829.pn.&db=USPAT>.

14. On November 14, 2017, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 9,820,123 (the “’123 Patent”) entitled “Method to Provide Ad Hoc and Password Protected Digital and Voice Networks.” On September 24, 2021, the United States Patent and Trademark Office issued an *Ex Parte* Reexamination Certificate for the ’123 Patent confirming the validity and patentability of claims 1-48. A true and correct copy of the ’123 Patent, which includes the September 24, 2021 *Ex Parte* Reexamination Certificate, is available at: <https://ppubs.uspto.gov/pubwebapp/external.html?q=9,820,123.pn.&db=USPAT>.

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