

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

|                                |   |                                   |
|--------------------------------|---|-----------------------------------|
| AGIS SOFTWARE DEVELOPMENT LLC, | § | Case No.                          |
| Plaintiff,                     | § | <b><u>JURY TRIAL DEMANDED</u></b> |
| v.                             | § |                                   |
| RAYTHEON TECHNOLOGIES CORP.,   | § |                                   |
| Defendant.                     | § |                                   |

**PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff AGIS Software Development LLC (“AGIS Software” or “Plaintiff”) files this Complaint against Defendant Raytheon Technologies Corporation (“Raytheon” or “Defendant”) 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, 9,820,123, and 9,749,829 (the “Patents-in-Suit”).

2. On information and belief, Defendant Raytheon is a corporation organized and existing under the laws of the State of Delaware and maintains a place of business in this District, at 2501 West University Drive, McKinney, Texas 75701. Raytheon is registered to conduct business in the State of Texas and has a registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

3. On information and belief, Defendant directly and/or indirectly develops, designs, manufactures, distributes, markets, offers for sale, and/or sells infringing products and services in the United States, including in the Eastern District of Texas, and otherwise directs infringing activities to this District in connection with its products and services.

### **JURISDICTION AND VENUE**

4. 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.

5. This Court has specific and personal jurisdiction over Defendant in this action because Defendant has committed acts within this Judicial District giving rise to this action and has established minimum contacts with this forum, such that the exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice. Defendant conducts business and has committed acts of patent infringement and/or has induced acts of patent infringement by others in this Judicial District and/or has contributed to patent infringement by others in this Judicial District, the State of Texas, and elsewhere in the United States by, among other things, offering to sell and selling products and/or services that infringe the Patents-in-Suit.

6. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Defendant has regular and established places of business in this Judicial District. Defendant, through its own acts and/or through the acts of others, makes, uses, sells, distributes, exports from, imports, and/or offers to sell infringing products within this Judicial District, regularly does and solicits business in this Judicial District, and has the requisite minimum contacts with this Judicial District, such that this venue is a fair and reasonable one.

**PATENTS-IN-SUIT**

7. 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 attached hereto at Exhibit A.

8. 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 attached hereto as Exhibit B.

9. 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 of the ’838 Patent determining claims 1-84 to be valid and patentable. A true and correct copy of the ’838 Patent, which includes the May 27, 2021 Ex Parte Reexamination Certificate, is attached hereto as Exhibit C.

10. 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 attached hereto as Exhibit D.

11. On August 29, 2017, the United States 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 attached hereto as Exhibit E.

12. AGIS Software is the sole and exclusive owner of all rights, title, and interest in the Patents-in-Suit, and holds the exclusive right to take all actions necessary to enforce its rights to the Patents-in-Suit, including the filing of this patent infringement lawsuit. AGIS Software also has the right to recover all damages for past, present, and future infringement of the Patents-in-Suit and to seek injunctive relief as appropriate under the law.

### **FACTUAL ALLEGATIONS**

13. Malcolm K. “Cap” Beyer, Jr., a graduate of the United States Naval Academy and a former U.S. Marine, is the CEO of AGIS Software and a named inventor of the AGIS Software patent portfolio. Mr. Beyer founded Advanced Ground Information Systems, Inc. (“AGIS, Inc.”) shortly after the September 11, 2001 terrorist attacks because he believed that many first responder

and civilian lives could have been saved through the implementation of a better communication system. He envisioned and developed a new communication system that would use integrated software and hardware components on mobile devices to give users situational awareness superior to systems provided by conventional military and first responder radio systems.

14. AGIS, Inc. developed prototypes that matured into its LifeRing system. LifeRing provides first responders, law enforcement, and military personnel with what is essentially a tactical operations center built into hand-held mobile devices. Using GPS-based location technology and existing or special-purpose cellular communication networks, LifeRing users can exchange location, heading, speed, and other information with other members of a group, view each other's locations on maps and satellite images, and rapidly communicate and coordinate their efforts.

15. AGIS Software was formed in 2017 and has since opened two offices in Texas, including one office located at 2226 Washington Avenue, #2, Waco, Texas 76702. AGIS Software also maintains a data center in Texas.

16. Mr. Beyer has maintained longstanding ties to Texas and the Eastern District. In 1987, Mr. Beyer founded Advanced Programming Concepts, an Austin-based company focused on real-time tactical command and control systems. Advanced Programming Concepts was later acquired by Ultra Electronics, Inc. and is now the Advanced Tactical Systems unit of Ultra Electronics, Inc., which is still based in Austin, Texas.

17. AGIS Software licenses its patent portfolio, including the '970, '251, '838, '123, and '829 Patents, to AGIS, Inc. AGIS, Inc. has marked its products accordingly. AGIS Software and all previous assignees of the Patents-in-Suit have complied with the requirements of 35 U.S.C. § 287(a).

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