

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

AGIS SOFTWARE DEVELOPMENT LLC,	§	Case No. 6:23-cv-00160
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	
v.	§	
	§	
GOOGLE LLC,	§	
	§	
Defendant.	§	
	§	
	§	

PLAINTIFF’S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, AGIS Software Development LLC (“AGIS Software” or “Plaintiff”) files this Complaint against Defendant Google LLC (“Google” 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 No. 8,213,970 (the “Patent-in-Suit”).

2. On information and belief, Defendant Google is a Delaware corporation, with a principal address of 1600 Amphitheatre Parkway, Mountain View, California 94043, and has regular and established places of business throughout this District, including at least at 500 West 2nd Street, Suite 2900, Austin, Texas 78701. See https://about.google/intl/en_us/locations/?region=north-america&office=austin. Defendant is registered to do business in Texas and may be served through its registered agent at Corporation

Service Company DBA CSC – Lawyers Inco, located at 211 East 7th Street, Suite 620, Austin, Texas 78701.

3. On information and belief, Defendant directly and/or indirectly develops, designs, manufactures, distributes, markets, offers to sell, and/or sells infringing products and services in the United States, including in the Western 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 Patent-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, and/or offers to sell infringing products within this Judicial District, regularly does and solicits business in this

District, and has the requisite minimum contacts with this Judicial District, such that this venue is a fair and reasonable one.

PATENT-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 as **Exhibit A**.

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

FACTUAL ALLEGATIONS

9. 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 patent portfolio. AGIS Software was formed in 2017 and has since opened two offices in Texas, including one office at 2226 Washington Avenue #2, Waco, Texas 76701. AGIS Software also has a data center in Texas.

10. Mr. Beyer has maintained longstanding ties to Texas and the Western 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., still based in Austin, Texas.

11. 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.

12. 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.

13. AGIS Software licenses its patent portfolio, including the ’970 Patent to AGIS, Inc. AGIS, Inc. has marked its products accordingly. AGIS Software and all previous assignees of the Patent-in-Suit have complied with the requirements of 35 U.S.C. § 287(a).

14. Defendant manufactures, uses, sells, offers for sale, and/or imports into the United States products, such as [1] Google mobile devices, smartphones, and tablets including, but not

limited to: Nexus S, Galaxy Nexus, Nexus 4, Nexus 5, Nexus 6, Nexus 5X, Nexus 6P, Nexus 7 1st Gen., Nexus 7 2nd Gen., Nexus 10, Pixel 2, Pixel 2 XL, Pixel 3, Pixel 3 XL, Pixel 3a XL, Pixel 4, Pixel 4 XL, Pixel 4a, Pixel 4a (5G), Pixel 5, Pixel 5a, Pixel 6, Pixel 6 Pro, Pixel 6a, Pixel 7, Pixel 7 Pro, Pixel C, Chromebook Pixel, Google Pixelbook, Google Pixelbook Go, and Pixel Slate; and [2] the Android operating system and Android-based applications and/or services including, but not limited to, Google Find My Device (formerly Android Device Manager), Google Play Protect, Google Play Services, Google Mobile Services, Google Maps, Google Messages, and Google Chrome (collectively, “Accused Products”), as well as Google’s servers for running the aforementioned applications and services. The Accused Products include applications and software including, but not limited to, the above-listed applications and/or features as components of its operating system and as downloads from a pre-installed application store, such as the Play Store, in the Accused Products. The Accused Products, together with Google’s software components such as, but not limited to, Google Find My Device (formerly Android Device Manager), Google Play Protect, Google Play Services, Google Mobile Services, Google Maps, Google Messages, and Google Chrome applications and services which are configured to interact with Google’s servers which provide services related to the above Android OS and Android-based applications and services, among other services provided by Google and utilized by Google’s customers when operating the Accused Products, such as the Google mobile devices, smartphones, and tablets identified herein.

15. The Accused Products include functionalities that allow users to share and view locations with other users, display symbols corresponding to locations (including locations of other users or entities) on a map, and initiate communications with other users through the interface of the Accused Products. The Accused Products include the functionalities to display map

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