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

AGIS SOFTWARE DEVELOPMENT LLC,	§ § § §	**Case No. 2:19-cv-362**
	§ §	<u>**JURY TRIAL DEMANDED**</u>
Plaintiff,	§ §	
v.	§ § §	
SAMSUNG ELECTRONICS CO., LTD. and SAMSUNG ELECTRONICS AMERICA, INC.,	§ § § § §	
Defendants.	§ § §	

<u>PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT</u>

Plaintiff, AGIS Software Development LLC ("AGIS Software" or "Plaintiff") files this original Complaint against Defendants Samsung Electronics Co., Ltd. ("Samsung Electronics") and Samsung Electronics America, Inc. ("Samsung Electronics America") (collectively "Samsung" or "Defendants") for patent infringement under 35 U.S.C. § 271 and alleges as follows:

<u>THE PARTIES</u>

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. 9,820,123 and 9,749,829 (the "Patents-in-Suit").

2.   Defendant Samsung Electronics is a corporation organized and existing under the laws of the Republic of Korea, with its principal place of business at 129 Samsung-Ro, Yeongtong-Gu, Suwon-Si, Gyeonggi-Do, 443-742, Republic of Korea. Upon information and

belief, Samsung Electronics does business in Texas, directly or through intermediaries, and

offers its products and/or services, including those accused herein of infringement, to customers

and potential customers located in Texas, including in the Judicial District of the Eastern District

of Texas.

3.   Defendant Samsung Electronics America is a corporation organized under the

laws of New York, with its principal place of business at 85 Challenger Road, Ridgefield Park,

NJ 07660. Upon information and belief, Samsung Electronics America has corporate offices in

the Eastern District of Texas at 1303 East Lookout Drive, Richardson, Texas 75082 and 2800

Technology Drive, Suite 200, Plano, Texas 75074. Samsung Electronics America has publicly

indicated that in early 2019, it would be centralizing multiple offices in a new location in the

Eastern District of Texas at the Legacy Central office campus,[1] located at 6225 Declaration

Drive, Plano, Texas 75023. Samsung Electronics America may be served with process through

its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-

3136.

4.   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; AT&T Store, 1712 East Grand Avenue, Marshall,

Texas 75670; Sprint Store, 1806 East End Boulevard North, Suite 100, Marshall, TX 75670; T-

Mobile, 900 East End Boulevard North, Suite 100, Marshall, TX 75670; Verizon authorized

retailers, including Russell Cellular, 1111 East Grand Avenue, Marshall, Texas 75670; Victra,

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[1] https://news.samsung.com/us/samsung-electronics-america-open-flagship-north-texas-campus/,
last accessed Apr. 29, 2019.

1006 East End Boulevard, Marshall, Texas 75670; and Cricket Wireless authorized retailer, 120

East End Boulevard South, Marshall, TX 75670.

JURISDICTION AND VENUE

5.   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.

6.   This Court has specific and personal jurisdiction over each of the Defendants

consistent with the requirements of the Due Process Clause of the United States Constitution and

the Texas Long Arm Statute. Upon information and belief, each Defendant has sufficient

minimum contacts with the forum because each Defendant transacts substantial business in the

State of Texas and in this Judicial District. Further, each Defendant has, directly or through

subsidiaries or intermediaries, committed and continues 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.

7.   Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1400(b) and

1391(b) and (c) because each Defendant is subject to personal jurisdiction in this Judicial

District, has committed acts of patent infringement in this Judicial District, and has a regular and

established place of business in this Judicial District. Each Defendant, through its own acts

and/or through the acts of each other Defendant, makes, uses, sells, 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 the Judicial District such that this

venue is a fair and reasonable one. Further, upon information and belief, the Defendants have

admitted or not contested proper venue in this Judicial District in other patent infringement
actions.

PATENTS-IN-SUIT

8.   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." A true and correct copy of the '123
Patent is attached hereto as Exhibit A.

9.   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." A true and correct copy of the '829
Patent is attached hereto as Exhibit B.

FACTUAL ALLEGATIONS

10.   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. 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.

11.   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.

12.   AGIS Software licenses its patent portfolio, including the '123 and '829 Patents,

to AGIS, Inc. AGIS, Inc.'s LifeRing product practices one or more of the patents in the AGIS

portfolio and AGIS, Inc. has marked its products accordingly.

13.   AGIS Software and all previous assignees of the Patents-in-Suit have complied

with the requirements of 35 U.S.C. § 287(a).

14.   Non-party Google, Inc. ("Google") licenses the Android operating system to third

parties, including Defendants, who design their own products that utilize the Android operating

system. The Android operating system is the most widely used in smartphones and other mobile

devices in the United States.[2]

15.   Defendants manufacture, use, sell, offer for sale, and/or import into the United

States electronic devices, such as Android-based smartphones, tablets, and smart watches

(including, but not limited to, the GT-I7500 Galaxy, i5700 Galaxy Spica, Galaxy S, Galaxy SL,

Galaxy S II, Galaxy S Advance, Galaxy S III, Galaxy S Duos, Galaxy S III Mini, Galaxy S II

Plus, Galaxy S4, Galaxy S4 Active, Galaxy S4 Mini, Galaxy S4 Zoom, Galaxy S Duos 2, Galaxy

S III Slim, Galaxy S5, Galaxy S III Neo, Galaxy S5 Active, Galaxy S5 Mini, Galaxy S Duos 3,

Galaxy S5 Plus, Galaxy S6, Galaxy S6 Edge, Galaxy S5 Neo, Galaxy S6 Active, Galaxy S6

Edge+, Galaxy S7, Galaxy S7 Edge, Galaxy S7 Active, Galaxy S8, Galaxy S8+, Galaxy S8

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[2] https://www.statista.com/statistics/266572/market-share-held-by-smartphone-platforms-in-the-united-states/.

Active, Galaxy S9, Galaxy S9+, Galaxy S10e, Galaxy S10, Galaxy S10+, Galaxy S10 5G,

Galaxy Alpha, Galaxy A3, Galaxy A5, Galaxy A7, Galaxy A8, Galaxy A3, Galaxy A5, Galaxy

A7, Galaxy A8, Galaxy A8+, Galaxy A6, Galaxy A6+, Galaxy A8 Star, Galaxy A7, Galaxy A9,

Galaxy A6s, Galaxy A8s, Galaxy A30, Galaxy A50, Galaxy A10, Galaxy A20, Galaxy A40,

Galaxy A70, Galaxy A20e, Galaxy A80, Galaxy A40s, Galaxy A60, Galaxy A10s, Galaxy A20s,

Galaxy A10e, Galaxy C5, Galaxy C7, Galaxy C9, Galaxy C9 Pro, Galaxy C7 Pro, Galaxy C5

Pro, Galaxy C8, Galaxy J, Galaxy J1, Galaxy J5, Galaxy J7, Galaxy J2, Galaxy J1 Ace, Galaxy

J3 (2016), Galaxy J1 Nxt, Galaxy J1 Mini, Galaxy J5 (2016), Galaxy J3 Pro, Galaxy J7, Galaxy J

Max, Galaxy J1 Ace Neo, Galaxy J2 (2016), Galaxy J1 (2016), Galaxy J5 Prime, Galaxy J7

Prime, Galaxy J1 Mini Prime, Galaxy J2 Prime, Galaxy J3 Emerge, Galaxy J7 V, Galaxy J3

Prime, Galaxy J3 (2017), Galaxy J5 (2017), Galaxy J7 (2017), Galaxy J7 Pro, Galaxy J7 Max,

Galaxy J7 Nxt, Galaxy J3 Luna Pro, Galaxy J7 Sky Pro, Galaxy J7+, Galaxy J2 (2017), Galaxy

J2 Pro, Galaxy J7 Prime 2, Galaxy J7 Duo, Galaxy J4, Galaxy J6, Galaxy J3 (2018), Galaxy J7

(2018), Galaxy J2 Core, Galaxy J4+, Galaxy J6+, Galaxy J4 Core, Galaxy M, Galaxy M10,

Galaxy M20, Galaxy M30, Galaxy M40, Galaxy E5, Galaxy E7, Galaxy Grand, Galaxy Core,

Galaxy Core Plus, Galaxy Grand 2, Galaxy Grand Neo, Galaxy Core Prime, Galaxy Grand Prime

Plus, Galaxy Grand Prime Pro, Galaxy Mega 5.8, Galaxy Mega 6.3, Galaxy Mega 2, Galaxy

Mini, Galaxy Mini 2, Galaxy Trend, Galaxy Trend Lite, Galaxy Trend Plus, Galaxy Ace, Galaxy

Ace Plus, Galaxy Ace 2, Galaxy Ace 3, Galaxy Ace Style, Galaxy Ace 4, Galaxy On7, Galaxy

On5, Galaxy On5 Pro, Galaxy On5 (2016), Galaxy On7 (2016), Galaxy On7 Pro, Galaxy On8,

Galaxy On Nxt, Galaxy On Max, Galaxy On7 Prime, Galaxy On6, Galaxy On8 (2018), Galaxy

R, Galaxy R Style, Galaxy Y, Galaxy Y Duos, Galaxy Young, Galaxy Young 2, Galaxy Pocket,

Galaxy Pocket Plus, Galaxy Pocket Neo, Galaxy Pocket Duos, Galaxy Pocket 2, Galaxy U,

Galaxy Neo, Galaxy Pro, Galaxy Precedent, Galaxy Z, Galaxy Rush, Galaxy 5, Galaxy W,

Galaxy Fit, Galaxy Gio, Galaxy Prevail, Galaxy Nexus, Galaxy Discover, Galaxy Reverb,

Galaxy Stellar, Galaxy Appeal, Galaxy Express, Galaxy Express 2, Galaxy Fame, Galaxy Star,

Galaxy Win, Galaxy Win Pro, Galaxy Star Pro, Galaxy Fame Lite, Galaxy Round, Galaxy Light,

Galaxy V, Galaxy V Plus, Galaxy V2, Galaxy K Zoom, Galaxy Folder, Galaxy Active Neo,

Galaxy Folder 2, Galaxy Fold, Galaxy Note, Galaxy Note II, Galaxy Note 3, Galaxy Note 4,

Galaxy Note Edge, Galaxy Note 5, Galaxy Note 7, Galaxy Note Fan Edition, Galaxy Note 8,

Galaxy Note 9, Galaxy Note 10, Galaxy Note 10+, Galaxy Note 10+ 5G, Galaxy Tab, Galaxy

Tab 7.0, Galaxy Tab 10.1, Galaxy Tab 10.1N, Galaxy Tab 10.1v, Galaxy Tab 8.9, Galaxy Tab

7.0 Plus, Galaxy Tab 7.7, Galaxy Tab 2 7.0, Galaxy Tab 2 10.1, Galaxy Tab 3 7.0, Galaxy Tab 3

Lite 7.0, Galaxy Tab 3 8.0, Galaxy Tab 3 10.1, Galaxy Tab 4 7.0, Galaxy Tab 4 8.0, Galaxy Tab

4 10.1, Galaxy Tab Pro 8.4, Galaxy Tab Pro 10.1, Galaxy Tab Pro 12.2, Galaxy Tab S 8.4,

Galaxy Tab S 10.5, Galaxy Tab S2 8.0, Galaxy Tab S2 9.7, Galaxy Tab S3 9.7, Galaxy Tab S4

10.5, Galaxy Tab E 8, Galaxy Tab E 9.6, Galaxy Tab A 8.0, Galaxy Tab A 9.7, Galaxy Tab A

6.0, Galaxy Tab A 7.0, Galaxy Tab A 8.0 (2017), Galaxy Tab A 10.1 (2016), Galaxy Tab A 10.1,

Galaxy Tab A 10.5, Galaxy Tab Pro S 12.0, Galaxy Book 10.6, Galaxy Book 12.0, Galaxy Tab

Active, Galaxy Tab Active 2, Galaxy View, Galaxy Note 8.0, Galaxy Note 10.1, Galaxy Note

10.1 (2014), Galaxy Note Pro 12.2, Galaxy Gear, Gear Sport, Gear S3 Frontier, Galaxy Watch,

Galaxy Watch Active, and Galaxy Watch Active 2 (collectively, the "Accused Devices"), all of

which are pre-configured or adapted with map-based communication applications and/or features

such as Google Maps, Find My Device (formerly Android Device Manager), Messages, Android

Messenger, Hangouts, Google Plus, Google Latitude, Play Protect, Google Chrome, among other

relevant applications and/or features. The Accused Devices include 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 Google Play Store and Samsung Galaxy Store, in the Accused Devices. The Accused Devices, together with software components such as, but not limited to, Google Maps, Android Device Manager, Find My Device, Messages, Android Messenger, Hangouts, Google Plus, Google Latitude, Play Protect, Google Chrome, are configured to interact with Defendants' and/or Google's servers which provide corresponding services related to at least Maps, Groups, Hangouts, Google+, Cloud, and Find My Device utilized by Samsung's customers when operating the Accused Devices, such as the Galaxy devices identified herein.

16.   The Accused Devices include functionalities that allow users to form groups with other users such that users may view each other's locations on a map and engage in communication including text, voice, and multimedia-based communication. Additionally, the users may form groups that include their own devices in order to track their own lost or stolen devices as shown below; to send and receive communications from their own lost or stolen Accused Devices; and to remotely control the lost or stolen Accused Devices.

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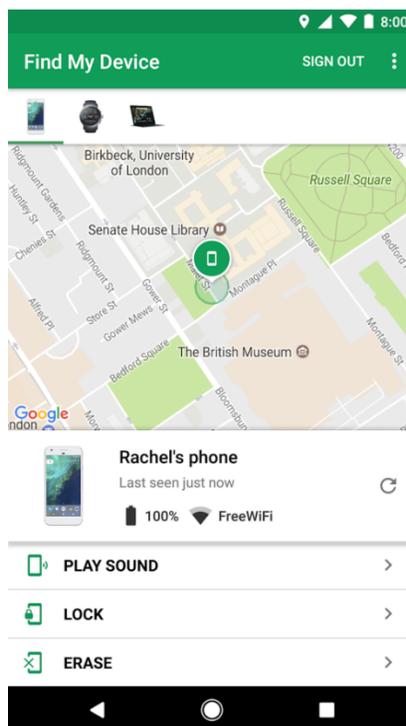
COUNT I
(Infringement of the '123 Patent)

17.   Paragraphs 1 through 17 are incorporated herein by reference as if fully set forth in their entireties.

18.   AGIS Software has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any products that embody the inventions of the '123 Patent.

19.   Defendants have and continue to directly infringe at least claim 23 of the '123 Patent, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States the Accused Devices without authority and in violation of 35 U.S.C. § 271(a).

20.   Defendants have and continue to indirectly infringe at least claim 23 of the '123 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling, and/or importing into the United States the Accused Devices and by instructing users of the Accused Devices to perform methods claimed in the '123 Patent. For example, Defendants, with knowledge that the Accused Devices infringe the '123 Patent at least as of the date of this Complaint, actively, knowingly, and intentionally induced, and continue to actively, knowingly, and intentionally induce direct infringement of the '123 Patent.

21.   For example, Defendants have indirectly infringed and continue to indirectly infringe at least claim 23 of the '123 Patent in the United States because Defendants' customers use such devices, including at least the Google Maps, Find My Device (formerly Android Device Manager), Find My Phone, Google Messages, Android Messenger, Samsung Messages, Google Hangouts, Google Plus, Google Latitude, Google Play Protect, and Google Chrome apps installed on the Accused Devices, in accordance with Defendants' instructions and thereby

directly infringe at least one claim of the '123 Patent in violation of 35 U.S.C. § 271. Defendants

directly and/or indirectly intentionally instruct its customers to infringe through training videos,

demonstrations, brochures, installations and/or user guides, such as those located at one or more

of the following:

https://ss7.vzw.com/is/content/VerizonWireless/Devices/Samsung/note/samsung-galaxy-note9-

ug.pdf and https://www.samsung.com/my/support/mobile-devices/how-do-i-use-android-device-

manager-to-locate-lock-and-erase-my-lost-samsung-galaxy-s5/, and Google agents and

representatives located within this Judicial District. Defendants are thereby liable for

infringement of the '123 Patent under 35 U.S.C. § 271(b).

22.   For example, Defendants' Accused Devices are pre-installed with at least the

Google Maps app which allows users to share their locations and view other users' locations on a

map and to communicate with those users via the Google Maps app (as shown below) which is

integrated with Google Messages, Android Messenger, and Samsung Messages and which are

also pre-installed on the Accused Devices.
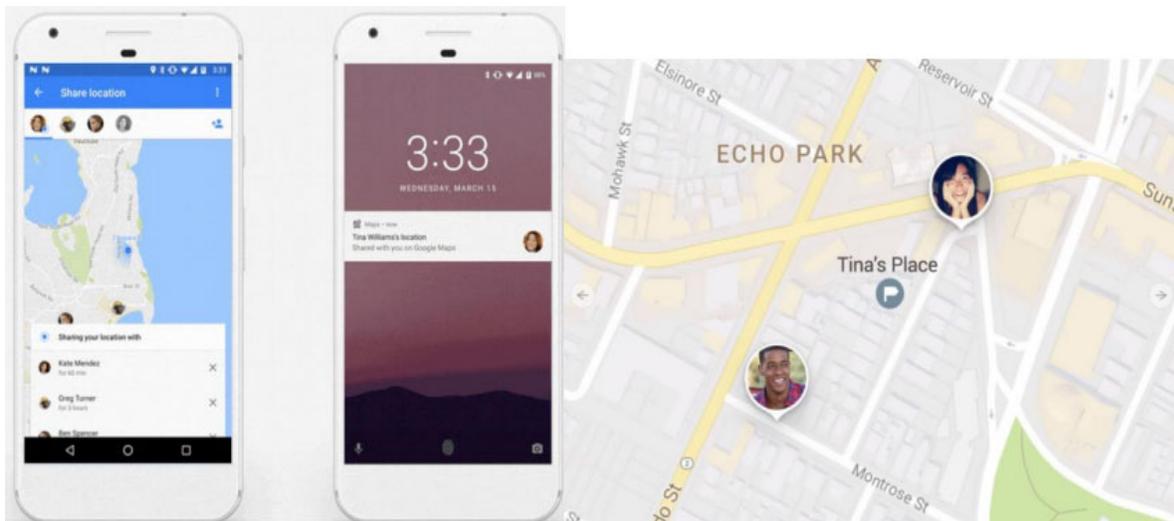
23.   For example, the exemplary Accused Devices allow users to establish groups and

to exchange messages via interaction with Google's servers and Samsung's servers which

provide the Samsung Cloud service, Google Cloud service, Google Maps service, Google

Messages service, and Samsung Messages service, among other relevant services. The

exemplary Accused Devices further allow users to retrieve map information from multiple

sources including street-view maps.

24.   The exemplary Accused Devices are programmed to receive messages from other

devices where those messages relate to joining groups, as depicted below. (e.g.,

https://support.google.com/plus/answer/3302509?hl=en&co=GENIE.Platform%3DAndroid&oco

=1; https://support.google.com/mail/answer/30970?hl=en;

http://eguides.sprint.com/support/eguides/samsunggalaxys7/content/samsung_galaxy_s7_ug/gro

ups.html).

Create a group

1. Go to Google Contacts ⬚.
2. On the left under "Labels," click **Create label**. (If you don't see "Labels," go to group contacts in old Contacts.)
3. Type a name, then click **OK**.

Add contacts to a group label   ⌃

1. To select contacts, check the boxes next to their names.
2. In the top right, click Label ⬛. (If you don't see Label ⬛, go to group contacts in old Contacts.)
3. Choose the groups you want to add the contacts to. You'll see a checkmark appear next to the groups you
   chose.

Groups

You can use groups to organize your contacts. Your phone comes with preloaded groups, and you can create your own. You might create a group for your family, for coworkers, or a team. Groups make it easy to find contacts, and you can send messages to the members of a group.

Create a Group

1. From home, tap **Apps** ▦ > **Contacts** 👤.
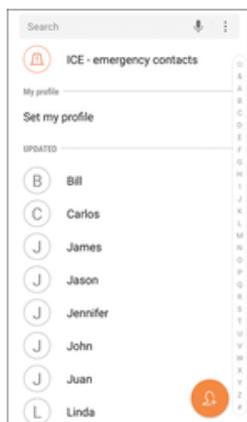
2. Tap **More options** ⋮ > **Groups**, and then tap **Create**.

3. Tap fields to enter information about the group:

- Tap **Device storage and all accounts** to choose where to save the group. You can save it to a specific account, to the device memory, or to all accounts.
- Tap **Group name** to enter a name for the new group.
- Tap **Group ringtone** to select a ringtone for notifications for incoming calls from group members.

4. Tap **Add member** and select a member or members to add to the new group, and then tap **Done**.

5. Tap **Save** to save the new group.

25.   The exemplary Accused Devices are further programmed to facilitate participation in the groups by communicating with a server and sending to and receiving location information, as depicted below. (e.g.,

https://developers.google.com/maps/documentation/android-api/location).

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The Google Play services Location API

The Google Play services Location API is the preferred method for adding location awareness to your Android application. It includes functionality that lets you:

- Determine the device location.
- Listen for location changes.
- Determine the mode of transportation, if the device is moving.
- Create and monitor predefined geographical regions, known as geofences.

The location APIs make it easy for you to build power efficient, location-aware applications. Like the Google Maps Android API, the Location API is distributed as part of the Google Play services SDK. For more information on the Location API, please refer to the Android training class Making Your App Location Aware or the Location API Reference. Code examples are included as part of the Google Play services SDK.

26.   This location information is presented on interactive displays on the exemplary Accused Devices which includes interactive maps and a plurality of user selectable symbols corresponding to other devices. These symbols are positioned on the map at positions corresponding to the locations of the other devices, as depicted below. (e.g., https://arstechnica.com/gadgets/2017/03/location-sharing-finally-returns-to-google-maps/).
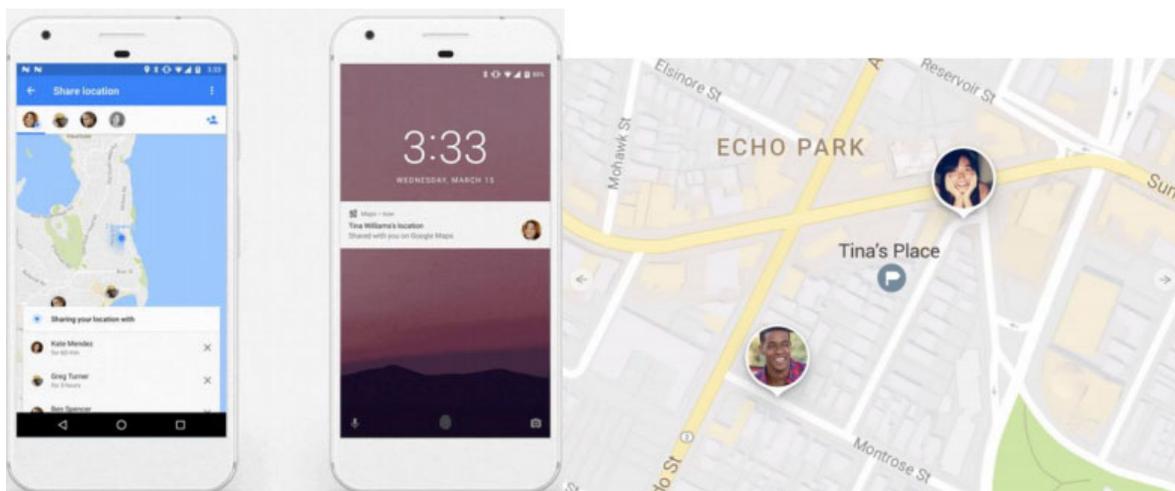
27.   The exemplary Accused Devices are further programmed to permit users to request and display additional maps by, for example, moving the map screen and/or by selecting satellite image maps. The exemplary Accused Devices are further programmed to permit interaction with the display where a user may select one or more symbols and where the

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exemplary Accused Devices further permit data to be sent to other devices based on that interaction.

28.   AGIS Software has suffered damages as a result of Defendants' direct and indirect infringement of the '123 Patent in an amount to be proved at trial.

29.   AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '123 Patent for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

30.   Defendants have committed and continue to commit acts of infringement that Defendants actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '123 Patent. Defendants' infringement of the '123 Patent has been and continues to be willful, entitling AGIS Software to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

<div align="center">

COUNT II
(Infringement of the '829 Patent)

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31.   Paragraphs 1 through 17 are incorporated herein by reference as if fully set forth in their entireties.

32.   AGIS Software has not licensed or otherwise authorized Defendants to make, use, offer for sale, sell, or import any Accused Devices and/or products that embody the inventions of the '829 Patent.

33.   Defendants have and continue to directly infringe at least claim 68 of the '829 Patent, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States the Accused Devices without authority and in violation of 35 U.S.C. § 271(a).

34.   Defendants have and continue to indirectly infringe at least claim 68 of the '829 Patent by actively, knowingly, and intentionally inducing others to directly infringe, either literally or under the doctrine of equivalents, by making, using, offering to sell, selling and/or importing into the United States the Accused Devices and by instructing users of the Accused Devices to perform methods claimed in the '829 Patent. For example, Defendants, with knowledge that the Accused Devices infringe the '829 Patent at least as of the date of this Complaint, actively, knowingly, and intentionally induced, and continue to actively, knowingly, and intentionally induce direct infringement of the '829 Patent.

35.   For example, Defendants have indirectly infringed and continue to indirectly infringe at least claim 68 of the '829 Patent in the United States because Defendants' customers use such devices, including at least the Google Maps, Find My Device (formerly Android Device Manager), Find My Phone, Google Messages, Android Messenger, Google Hangouts, Google Plus, Google Latitude, Google Play Protect, and Google Chrome apps installed on the Accused Devices, in accordance with Defendants' instructions and thereby directly infringe at least one claim of the '829 Patent in violation of 35 U.S.C. § 271. Defendants directly and/or indirectly intentionally instruct its customers to infringe through training videos, demonstrations, brochures, installations and/or user guides, such as those located at one or more of the following: https://ss7.vzw.com/is/content/VerizonWireless/Devices/Samsung/note/samsung-galaxy-note9-ug.pdf and https://www.samsung.com/my/support/mobile-devices/how-do-i-use-android-device-manager-to-locate-lock-and-erase-my-lost-samsung-galaxy-s5/, and Google agents and representatives located within this Judicial District. Defendants are thereby liable for infringement of the '829 Patent under 35 U.S.C. § 271(b).

36.   For example, Defendants directly and/or indirectly instruct its customers to

infringe through pre-installed applications in the exemplary Accused Devices as shown below.

Find My Device

Protect your device from loss or theft. You need to
sign in to your Google Account to use this feature.

1. From ⚙ **Settings**, tap > **Find My Device**.

    - If you are not logged in to a Google Account,
      tap **Find My Device won't work** and follow the
      prompts to sign in.

2. The following options are available:

    - **Find My Device**: Download the app from
      Google Play.

    - **Web**: Access Find My Device on the Internet.

    - **Google**: Search for "find my device" topics
      online.

Google offers an Android device-tracking application available at Android Device Manager. Sign in to the Google Account associated with the device you wish to locate. The following dialog box displays over the interactive Google map.
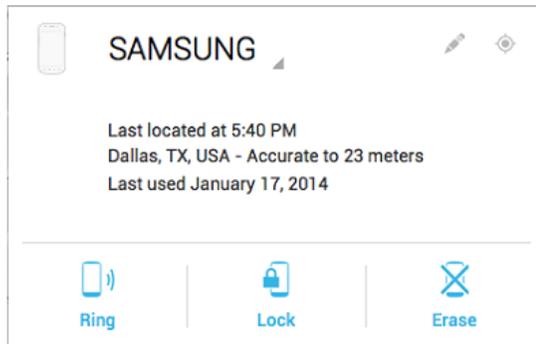
When your device is located its approximate location is indicated by on the map. The device manager also displays the name of the place where the device is located, the time it was located and when it was last used. The following options are available:

- : Select a different device associated with your Google Account.
- : Change the device name.
- : Refresh the map to display the location of your device.
- : Ring your device at full volume for five minutes, even if it is set to silent or vibrate.
- : Lock the device with a new password.
- : Perform a factory data reset, which permanently deletes all of your data. Google will attempt to erase the contents of the memory card if it is supported by the device.


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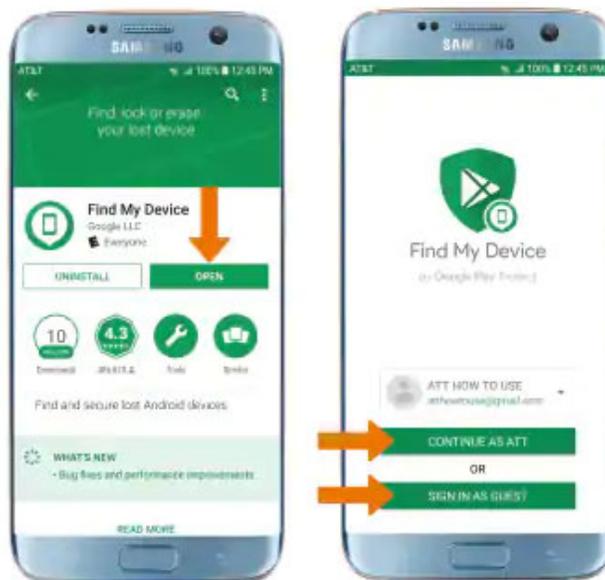
37.   AGIS Software has suffered damages as a result of Defendants' direct and indirect infringement of the '829 Patent in an amount to be proved at trial.

38.   AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '829 Patent for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

39.   Defendants have committed and continue to commit acts of infringement that Defendants actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '829 Patent. Defendants' infringement of the '829 Patent has been and continues to be willful, entitling AGIS Software to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

40.   For example, Defendants' Accused Devices are pre-installed with at least the Google Maps app which allows users to share their locations and view other users' locations on a map and to communicate with those users via the Google Maps app (as shown below) which is integrated with Google Messages, Android Messenger, and Samsung Messages and which are also pre-installed on the Accused Devices.
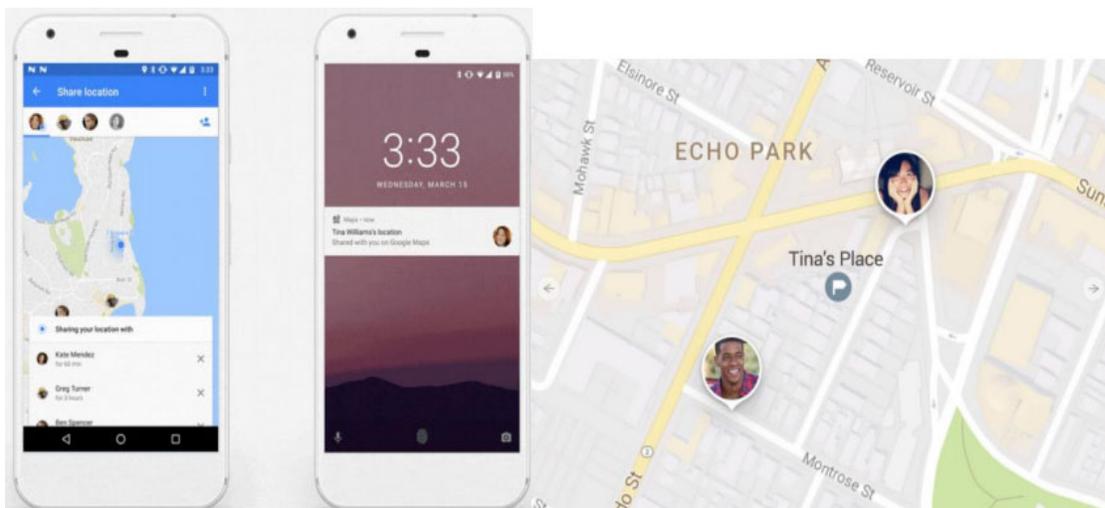
41.   Additionally, the exemplary Accused Devices allow users to establish groups and to exchange messages via interaction with Google's servers and Samsung's servers which provide the Samsung Cloud service, Google Cloud service, Google Maps service, Google Messages service, and Samsung Messages service, among other relevant services. The exemplary Accused Devices further allow users to retrieve map information from multiple sources including street-view maps.

42.   The exemplary Accused Devices are programmed to form and join groups by transmitting messages. (e.g., https://support.google.com/plus/answer/3302509?hl=en&co=GENIE.Platform%3DAndroid&oco =1; https://support.google.com/mail/answer/30970?hl=en).

Create a group

1. Go to Google Contacts ☑ .
2. On the left under "Labels," click **Create label**. (If you don't see "Labels," go to group contacts in old Contacts.)
3. Type a name, then click **OK**.

Add contacts to a group label   ⌃

1. To select contacts, check the boxes next to their names.
2. In the top right, click Label ▣ . (If you don't see Label ▣ , go to group contacts in old Contacts.)
3. Choose the groups you want to add the contacts to. You'll see a checkmark appear next to the groups you chose.

43.   The exemplary Accused Devices are further programmed to facilitate participation in the groups by communicating with one or more servers and sending to and receiving location information, as depicted below. (*See, e.g.*, https://developers.google.com/maps/documentation/android-api/location).

The Google Play services Location API

The Google Play services Location API is the preferred method for adding location awareness to your Android application. It includes functionality that lets you:

- Determine the device location.
- Listen for location changes.
- Determine the mode of transportation, if the device is moving.
- Create and monitor predefined geographical regions, known as geofences.

The location APIs make it easy for you to build power efficient, location-aware applications. Like the Google Maps Android API, the Location API is distributed as part of the Google Play services SDK. For more information on the Location API, please refer to the Android training class Making Your App Location Aware or the Location API Reference. Code examples are included as part of the Google Play services SDK.

44.   This location information is presented on interactive displays on the exemplary

Accused Devices which includes interactive maps and a plurality of user selectable symbols

corresponding to other devices. These symbols are positioned on the map at positions

corresponding to the locations of the other devices, as depicted below. (e.g.,

https://arstechnica.com/gadgets/2017/03/location-sharing-finally-returns-to-google-maps/)

45.   The exemplary Accused Devices are further programmed to permit users to

request and display additional maps from additional servers by, for example, moving the map

screen and/or by selecting satellite images or other types of maps. The exemplary Accused

Devices are further programmed to permit interaction with the display where a user may select

one or more symbols and where the exemplary Accused Devices further permit data to be sent to other devices based on that interaction.

46.   AGIS Software has suffered damages as a result of Defendants' direct and indirect infringement of the '829 Patent in an amount to be proved at trial.

47.   AGIS Software has suffered, and will continue to suffer, irreparable harm as a result of Defendants' infringement of the '829 Patent for which there is no adequate remedy at law, unless Defendants' infringement is enjoined by this Court.

48.   Defendants have committed and continue to commit acts of infringement that Defendants actually knew or should have known constituted an unjustifiably high risk of infringement of at least one valid and enforceable claim of the '829 Patent. Defendants' infringement of the '829 Patent has been and continues to be willful, entitling AGIS Software to an award of treble damages, reasonable attorney fees, and costs in bringing this action.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, AGIS Software prays for relief against Defendants as follows:

a.   Entry of judgment declaring that Defendants have directly and/or indirectly infringed one or more claims of each of the Patents-in-Suit;

b.   Entry of judgment declaring that Defendants' infringement of the Patents-in-Suit has been willful and deliberate;

c.   An order pursuant to 35 U.S.C. § 283 permanently enjoining Defendants, their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, from further acts of infringement of the Patents-in-Suit;

d.   An order awarding damages sufficient to compensate AGIS Software for

Defendants' infringement of the Patents-in-Suit, but in no event less than a reasonable royalty,

together with interest and costs;

e.   An order awarding AGIS Software treble damages under 35 U.S.C. § 284 as a

result of Defendants' willful and deliberate infringement of the Patents-in-Suit;

f.   Entry of judgment declaring that this case is exceptional and awarding AGIS

Software its costs and reasonable attorney fees under 35 U.S.C. § 285; and

g.   Such other and further relief as the Court deems just and proper.

Dated: November 4, 2019   Respectfully submitted,

                                                           MCKOOL SMITH, P.C.

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