

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

PERSONALIZED MEDIA  
COMMUNICATIONS, LLC,

Plaintiff,

v.

ZYNGA, INC.,

Defendant.

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Civil Action No. 2:12-cv-68

JURY DEMANDED

**PLAINTIFF'S DISCLOSURE OF ASSERTED CLAIMS  
AND INFRINGEMENT CONTENTIONS**

Pursuant to the Court's Order of July 31, 2012, Plaintiff Personalized Media Communications, LLC ("PMC"), provides this disclosure of asserted claims and infringement contentions under P.R. 3-1 and identification of document production accompanying disclosure under P.R. 3-2 to Defendant Zynga, Inc. ("Zynga").

Discovery in this matter has not yet commenced. Zynga has not yet produced any documents or things, or provided any deposition testimony or other discovery in this action. This disclosure is therefore based on information that PMC has been able to obtain publicly, together with PMC's good faith beliefs regarding the operation of the Accused Instrumentalities, and is given without prejudice to PMC's right to obtain leave to supplement or amend its disclosure as additional facts are disclosed and claims are construed.

**P.R. 3-1**

**P.R. 3-1(a)**

The asserted claims are Claims 1, 3, 4, 6, 9, and 11 from U.S. Patent No. 7,860,131,

Claims 17, 18, 19, 22, 23, 24, and 28 from U.S. Patent No. 7,734,251, Claims 1, 2, 3, 6, 11, 12, 13, and 15 from U.S. Patent No. 7,908,638, and Claims 1, 2, 3, 4, 5, 6, 7, and 9 from U.S. Patent No. 7,797,717 (the “Asserted Claims”).

**P.R. 3-1(b)**

Refer to the 82 claim charts that accompany this disclosure and that collectively identify the Accused Instrumentalities. These charts contain representative examples of infringement by the Accused Instrumentalities. PMC asserts that Zynga infringes the Asserted Claims directly and indirectly as explained separately for each claim in the accompanying claim charts.

The examples shown in the claim charts are not meant to limit the scope of the Accused Instrumentalities in any way, but rather are meant simply to illustrate PMC’s theories of infringement. Further, the examples shown in the claim charts are not meant to limit the scope of the Accused Instrumentalities to a specific platform. For example, the infringement contentions for Zynga’s “mobile games” are applicable to all platforms for which the “mobile games” are offered, and the infringement contentions for Zynga’s “browser-based games” are likewise applicable to all platforms on which those games are offered.

**P.R. 3-1(c)**

Refer to the 82 claim charts that accompany this disclosure.

**P.R. 3-1(d)**

PMC contends that the Accused Instrumentalities literally infringe the Asserted Claims. With respect to any claim limitation that may be found not to be literally infringed by one or more Accused Instrumentalities, PMC contends in the alternative that those Accused

Instrumentalities infringe such claim limitations under the doctrine of equivalents and that any element not found to be literally met is equivalently met because any difference between the claim limitation and the Accused Instrumentalities is not a substantial difference.

**P.R. 3-1(e)**

The priority date for Claims 1, 3, 4, 6, 9, and 11 from U.S. Patent No. 7,860,131, Claims 1, 2, 3, 6, 11, 12, 13, and 15 from U.S. Patent No. 7,908,638, and Claims 1, 2, 3, 4, 5, 6, 7, and 9 from U.S. Patent No. 7,797,717 is September 11, 1987.

The priority date for Claims 17, 18, 19, 22, 23, 24, and 28 from U.S. Patent No. 7,734,251 is November 3, 1981.

**P.R. 3-1(f)**

Not applicable.

**P.R. 3-1(g)**

Refer to the 82 claim charts that accompany this disclosure for an identification of those claim elements that include software limitations. Additional elements of infringement may be supplied as needed for such elements in accordance with the Local Rules and the Docket Control Order following the production of source code, source code documentation, flowcharts, and/or other source code related documents or testimony.

**P.R. 3-2**

**P.R. 3-2(a)**

Documents responsive to P.R. 3-2(a) are being produced with the following production range: PMCZ00000179 to PMCZ00000183.

**P.R. 3-2(b)**

Documents responsive to P.R. 3-2(b) are being produced with the following production range: PMCZ00000001 to PMCZ00000178.

**P.R. 3-2(c)**

Documents responsive to P.R. 3-2(c) are being produced with the following production range: PMCZ00000184- PMCZ00017247.

Dated: September 17, 2012

Respectfully submitted,

/s/ Robert S. Harrell

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served on September 17, 2012, in compliance with the Federal Rules of Civil Procedure.

/s/ Robert S. Harrell

Robert S. Harrell