

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

C-CATION TECHNOLOGIES, LLC,

Plaintiff,

v.

COMCAST CORPORATION, CHARTER
COMMUNICATIONS, INC., CEQUEL
COMMUNICATIONS, LLC dba
SUDDENLINK COMMUNICATIONS,
CABLE ONE, INC., ALMEGA CABLE
INC., LONGVIEW CABLE TELEVISION
COMPANY, INC., AND KILGORE
VIDEO, INC.

Defendants.

Case No. 2:11-CV-30 (DF)

**DISCLOSURE OF ASSERTED
CLAIMS AND INFRINGEMENT
CONTENTIONS AGAINST COMCAST
CORPORATION, COMCAST CABLE
COMMUNICATIONS, LLC AND
COMCAST OF HOUSTON, LLC**

**PLAINTIFF C-CATION TECHNOLOGIES, LLC'S DISCLOSURE OF
ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

Pursuant to P.R. 3-1, Plaintiff C-Cation Technologies, LLC ("C-Cation Tech") hereby submits its Disclosure of Asserted Claims and Infringement Contentions against Comcast Corporation, Comcast Cable Communications, LLC, and Comcast of Houston, LLC (collectively "Comcast"). Pursuant to P.R. 3-2, C-Cation Tech is concurrently producing documents bearing production numbers CTECH0000001-CTECH0000190.

C-Cation Tech's investigation into the extent of infringement by Comcast is ongoing, and the following disclosures are based solely on the information currently available to C-Cation Tech. C-Cation Tech reserves the right to supplement or modify these disclosures as new information, through discovery or otherwise, becomes available.

C-Cation Tech 2012

I. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

A. P.R. 3-1(a) – Asserted Claims

Pursuant to P.R. 3-1(a), C-Cation Tech asserts that Comcast infringes U.S. Patent No. 5,563,883 entitled “Dynamic Channel Management and Signalling [*sic*] Method and Apparatus” (“the ’883 patent”). Based on C-Cation Tech’s investigation thus far, Comcast is liable under 35 U.S.C. § 271 for infringement of at least Claims 1, 3–7, 10 and 12.

C-Cation Tech has yet to receive production or disclosure of certain documents or information, such as technical manuals, design specifications, and/or source code for the accused products that may affect the substance of C-Cation Tech’s disclosure of asserted claims. Accordingly, C-Cation Tech reserves the right to amend or otherwise modify its identification of asserted claims based upon its review of the relevant documentation and continued investigation.

B. P.R. 3-1(b) – Accused Instrumentalities

Pursuant to P.R. 3-1(b), and based on C-Cation Tech’s investigation thus far, the Accused Instrumentalities include all cable systems and cable modem products sold, offered for sale, operated by, and/or imported into the United States for Comcast that perform, or are capable of performing the channel assignment, channel reassignment, bandwidth allocation functions described, and polling in the Data Over Cable System Interface Specifications (“DOCSIS”) versions 1.1, 2.0, and 3.0. C-Cation Tech has made reasonable efforts to determine the models of the devices that are distributed to customers by or for Comcast, or otherwise used by Comcast’s customers to receive services that Comcast provides. A list of such devices is attached hereto as Exhibit A. In addition to the devices identified in Exhibit A, it is believed that other devices are being operated by or for Comcast, to which information is not publicly available. Such devices include Cable Modem Termination Systems operated by or for Comcast

to provide services to Comcast's customers.

C-Cation Tech reserves the right to accuse additional products based on its review of the Comcast document production and continued investigation.

C. P.R. 3-1(c) – Claim Charts for the Accused Instrumentalities

Pursuant to Patent Rule 3-1(c), attached hereto as Exhibit B are claim charts that identify where each element of each asserted claim is found within the Accused Instrumentalities based on the information available to C-Cation Tech. C-Cation Tech reserves the right to supplement or amend these claim charts based on its review of the Comcast document production and continued investigation, and based on the Court's claim construction rulings.

D. P.R. 3-1(d) – Nature of Infringement

Pursuant to P.R. 3-1(d), C-Cation Tech asserts that each element or limitation of each asserted claim of the '883 patent is literally present in the Accused Instrumentalities. To the extent that any element or limitation of the asserted claims is not found to have literal correspondence in the Accused Instrumentalities, C-Cation Tech alleges that any such elements or limitations are present under the doctrine of equivalents in the Accused Instrumentalities.

E. P.R. 3-1(e) – Priority Dates

The Asserted Claims of the '883 patent are entitled to a priority date of July 18, 1994, its filing date.

F. P.R. 3-1(f) – Patentee's Asserted Practice of the Claimed Inventions

Presently, C-Cation Tech is not relying on the assertion that its own product or method practices the claimed inventions.

II. DOCUMENT PRODUCTION ACCOMPANYING DISCLOSURES

A. P.R. 3-2(a) – Documents Evidencing Pre-Application Disclosure

Presently, C-Cation Tech is not aware of any documents evidencing discussions with, disclosure to, or any other manner of providing to a third party, or sale or offer to sell, the claimed invention prior to the date of application for the patent-in-suit.

B. P.R. 3-2(c) – File Histories for the Patent-in-Suit

A copy of the file history for the '883 patent has been produced and bears production numbers CTECH0000001-CTECH0000190.

Dated: December 2, 2011

Respectfully submitted:

/s/ David J. Kaplan

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