

1 David C. Marcus (SBN: 158704)
david.marcus@wilmerhale.com
2 Matthew J. Hawkinson (SBN: 248216)
matthew.hawkinson@wilmerhale.com
3 Aaron Thompson (SBN: 272391)
aaron.thompson@wilmerhale.com
4 WILMER CUTLER PICKERING
HALE AND DORR LLP
5 350 South Grand Avenue, Suite 2100
Los Angeles, CA 90071
6 Telephone: +1 213 443 5300
Facsimile: +1 213 443 5400

7
8 William F. Lee (*pro hac vice*)
william.lee@wilmerhale.com
9 WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
10 Boston, Massachusetts 02109
Telephone: +1 617 526 6000
11 Facsimile: +1 617 526 5000

12 Attorneys for Defendants and
Counterclaim-Plaintiffs
13 *Hughes Communications Inc.,*
Hughes Network Systems LLC,
14 *DISH Network Corporation,*
DISH Network L.L.C., and
15 *dishNET Satellite Broadband L.L.C.*

16 Additional Counsel Listed on Signature Page

17
18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 The CALIFORNIA INSTITUTE OF
TECHNOLOGY,

21 Plaintiff,

22 vs.

23 HUGHES COMMUNICATIONS INC.,
24 HUGHES NETWORK SYSTEMS LLC,
DISH NETWORK CORPORATION,
25 DISH NETWORK L.L.C., and DISHNET
SATELLITE BROADBAND L.L.C.,

26 Defendants.

Case No. 2:13-cv-07245-MRP-JEM

**DEFENDANTS' INVALIDITY
CONTENTIONS**

JURY TRIAL DEMANDED

CALTECH EXHIBIT 0010

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DEFENDANTS' INVALIDITY CONTENTIONS

Pursuant to the Court's Case Management Order [Doc. No. 20], Defendants Hughes Communications, Inc., Hughes Network Systems, LLC, Dish Network, LLC, and Dishnet Satellite Broadband, LLC hereby provide their Invalidity Contentions ("Contentions") with respect to the asserted claims of U.S. Patents Nos. 7,116,710 ("710 Patent"), 7,421,032 ("032 Patent"), 7,916,781 ("781 Patent"), and 8,284,833 ("833 Patent"), (collectively, the "Asserted Patents") identified by Plaintiff California Institute of Technology in Plaintiff's Disclosure of Asserted Claims and Infringement Contentions, served on April 1, 2014 ("Infringement Contentions").

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1 **I. INTRODUCTION**

2 Plaintiff has asserted the claims listed below against Defendants in its
3 Infringement Contentions.

4 Asserted Patent	Asserted Claims
5 '710 Patent	1-8, 11-17, 19-22, and 24
6 '032 Patent	1-2, 4, 8, 10-11, 18-19, and 22
7 '781 Patent	1-22
8 '833 Patent	1-14

9 However, the asserted claims listed in the above table are invalid, as
10 demonstrated in these Contentions and accompanying exhibits. Specifically,
11 Exhibits A–D contain Defendants' invalidity charts.¹ A table of exhibits
12 accompanying these Contentions is shown below.

13 Exhibit	Contents
14 A	Invalidity Chart for '710 Patent
15 B	Invalidity Chart for '032 Patent
16 C	Invalidity Chart for '781 Patent
D	Invalidity Chart for '833 Patent

17 The references discussed in the claim charts and modules cited herein and
18 attached hereto may disclose the elements of the asserted claims explicitly or
19 inherently, or they may be relied upon to show the state of the art in the relevant
20 time frame.

21 For purposes of these Contentions, Defendants identify prior art references
22 and provide element-by-element claim charts based on Defendants' implicit
23 interpretations of the asserted claims that are apparent from its Infringement
24 Contentions. To the extent that the Plaintiff or the Court adopt different positions
25 during the process of disclosing and briefing claim construction, and during the
26

27 _____
28 ¹ The invalidity charts contained in the exhibits are drafted in omnibus form to respond to Plaintiff's Infringement Contentions, which were drafted in that form

1 remainder of fact discovery and expert discovery, Defendants accordingly reserve
2 the right to revise, supplement, and/or amend their Contentions.

3 Plaintiffs have not identified any secondary considerations of non-
4 obviousness relating to the patents-in-suit. Defendants reserve the right to
5 supplement their Contentions to rebut any secondary considerations of non-
6 obviousness that Plaintiff may identify in the future.

7 Nothing stated herein shall be treated as an admission or suggestion that
8 Defendants agree with Plaintiff's implicit or explicit interpretations of the claims.
9 Moreover, nothing in these Contentions shall be treated as an admission that any of
10 the Accused Products meets any limitations of the claims. Finally, references to
11 the preamble of a claim in these Contentions shall not be treated as an admission
12 that the preamble limits the claim.

13 **II. INVALIDITY CONTENTIONS**

14 With respect to each asserted claim, and based on its investigation to date,
15 Defendants hereby (a) identify each item of prior art that either anticipates or
16 renders obvious each asserted claim; (b) specify whether each such item of prior
17 art (or combination of several of the same) anticipates each asserted claim or
18 renders it obvious; (c) submit charts identifying where specifically in each item of
19 prior art each limitation of each claim is disclosed, described, or taught in the prior
20 art; (d) identify the grounds for invalidating asserted claims for failing to claim
21 patentable subject matter under 35 U.S.C. §101; and (e) identify the grounds for
22 invalidating asserted claims based on indefiniteness, lack of written description,
23 and/or lack of enablement under 35 U.S.C. §112.

24 Defendants' claim charts and modules cite particular teachings and
25 disclosures of the prior art as applied to features of the asserted claims. However,
26 persons having ordinary skill in the art generally may view an item of prior art in
27 the context of other publications, literature, products, and understanding. As such,
28 the cited portions are only illustrative, and Defendants plan to rely on uncited

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