

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

C-CATION TECHNOLOGIES, LLC,

Plaintiff,

v.

TIME WARNER CABLE, INC., ET AL.

Defendants.

Case No. 2:14-CV-59-JRG-RSP

PLAINTIFF C-CATION TECHNOLOGIES, LLC'S DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS AGAINST CISCO SYSTEMS, INC.

Pursuant to P.R. 3-1 and the Court's order of March 24, 2014 (D.I. 34), Plaintiff C-Cation Technologies, LLC ("C-Cation Tech") hereby submits its Disclosure of Asserted Claims and Infringement Contentions against Cisco Systems, Inc., ("Cisco"). Pursuant to P.R. 3-2, C-Cation Tech is concurrently producing documents bearing production numbers CTECHEDTX_00000001-CTECHEDTX_00000365.

C-Cation Tech's investigation into the extent of infringement by Cisco 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.

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 Cisco infringes U.S. Patent No. 5,563,883 entitled "Dynamic Channel Management and Signalling Method and Apparatus" ("the

EXHIBIT

Ex. 1033

'883 patent"). Based on C-Cation Tech's investigation thus far, Cisco is liable under 35 U.S.C. § 271 for infringement of at least claims 1, 3, 4, and 14 ("the Asserted Claims").

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 system components, products sold, offered for sale, operated by, and/or imported into the United States by or for Cisco, or by its customers, that fall within or whose use of falls within the scope of at least one claim of the '883 patent. The accused cable systems include cable system components such as cable modem termination systems, RF and optical transmission hardware, network monitoring equipment, and customer premises equipment (e.g., cable modems, embedded multimedia terminal adapters, and set-top boxes), including but not limited to components that are compliant with the Data Over Cable System Interface Specification ("DOCSIS") standard (e.g., versions 1.1, 2.0 and 3.0). In particular, the Accused Instrumentalities include all cable systems or cable system components that perform or are capable of performing, channel management or bandwidth allocation functions, including, but not limited to, static load balancing, dynamic load balancing, passive load balancing, autonomous load-balancing, and/or channel assignment and reassignment.

C-Cation Tech has made reasonable efforts to determine the models of the devices that are distributed to customers by or for Cisco, or otherwise used by Cisco's customers. 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 Cisco or its customers, to which information is not publicly available. Such devices include cable modem termination systems (“CMTS”) and associated head-end components operated by or for Cisco or its customers.

C-Cation Tech reserves the right to accuse additional products based on its review of the Cisco document production and its 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 ongoing review of the Cisco 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, or performed by, the Accused Instrumentalities. To the extent that Cisco alleges 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 or performed 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 of 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 CTECHEDTX_00000001-CTECHEDTX_00000365.

Dated: March 31, 2014

Respectfully submitted,

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