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11  
12 **UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

13  
14 COMARCO WIRELESS  
TECHNOLOGIES, INC.,

Case No. 8:15-cv-00145

15 Plaintiff,

**COMARCO'S DISCLOSURES  
PURSUANT TO RULES 2.1 AND  
2.2 OF JUDGE GILFORD'S  
STANDING PATENT RULES**

16 v.

17 APPLE, INC.,

18 Defendant.

19  
20 In accordance with Judge Guilford's Standing Patent Rules 2.1 and 2.2, plaintiff  
21 Comarco Wireless Technologies, Inc. ("Comarco"), makes the following disclosures.

22 Comarco's disclosures are based on publicly available information currently  
23 known to Comarco or its attorneys. Comarco reserves the right to supplement or amend these  
24

1 disclosures as it learns more about Apple's products from public sources or directly from Apple  
2 as discovery progresses.

3 A. Asserted Claims and Accused Instrumentalities

4 As required by Standing Rules 2.1.1, 2.1.2, and 2.1.3, Comarco alleges  
5 infringement of United States Patent No. 8,492,933 ("the '933 patent"), as follows:

6 1. Apple directly infringes claim 1 of the '933 patent pursuant to 35 U.S.C. §  
7 271(a) through the sale of the Apple products listed below that include either an Apple 5 Watt  
8 USB Power Adapter (e.g. Model No. MD810LL/A) or an Apple 12 Watt USB Power Adapter  
9 (e.g., Model No. MD836LL/A), together with an Apple Lightning cable connector:

- 10 • iPhone 5, iPhone 5c, iPhone 5s, iPhone 6, and iPhone 6 Plus
- 11 • iPad, iPad mini, iPad mini 2, iPad mini 3, iPad Air, and iPad Air 2
- 12 • iPod nano, iPod touch (32GB/64GB), iPod touch (16GB)

13 A claim chart illustrating infringement by the foregoing products is attached as Exhibit A.

14 2. Apple indirectly infringes claim 1 of the '933 patent pursuant to 35 U.S.C.  
15 § 271(b) through the sale of its Lightning to USB cable connectors (e.g. Model Nos.  
16 MD818ZM/A, MD819ZM/A, ME291ZM/A) for use with an Apple 5 or 12 Watt USB Power  
17 Adapter. These Lightning cable connectors constitute a material component of the invention of  
18 claim 1. Apple actively encourages and specifically intends customers to use the foregoing  
19 Lightning cable connectors in combination with an Apple 5 or 12 Watt USB Power Adapter.  
20 See, e.g., Exhibit B ("This USB 2.0 cable connects your iPhone, iPad, or iPod with Lightning  
21 connector to your computer's USB port for syncing and charging *or to the Apple USB Power  
22 Adapter for convenient charging from a wall outlet.*" (emphasis added)). An Apple customer  
23  
24

Comarco's Disclosures Pursuant to Rules 2.1 and 2.2

1 who uses any of the foregoing Lightning cable connectors in combination with a 5 or 12 Watt  
2 USB Power Adapter directly infringes claim 1 of the '933 patent, as illustrated in Exhibit A.

3           3.       Apple indirectly infringes claim 1 the '933 patent pursuant to 35 U.S.C. §  
4 271(c) through the sale of its Lightning to USB cable connectors (e.g. Model Nos. MD818ZM/A,  
5 MD819ZM/A, ME291ZM/A) for use with an Apple 5 or 12 Watt USB Power Adapter. These  
6 Lightning cable connectors constitute a material component of the invention of claim 1 and are  
7 not commodities or staple articles of commerce that have substantial non-infringing uses. Apple  
8 actively encourages and specifically intends customers to use the foregoing Lightning cable  
9 connectors in combination with an Apple 5 or 12 Watt USB Power Adapter. See, e.g., Exhibit B  
10 ("This USB 2.0 cable connects your iPhone, iPad, or iPod with Lightning connector to your  
11 computer's USB port for syncing and charging *or to the Apple USB Power Adapter for*  
12 *convenient charging from a wall outlet.*" (emphasis added)). An Apple customer who uses any  
13 of the foregoing Lightning cable connectors in combination with a 5 or 12 Watt USB Power  
14 Adapter directly infringes claim 1 of the '933 patent, as illustrated in Exhibit A.

15           4.       Apple indirectly infringes claims 1 and 2 of the '933 patent pursuant to 35  
16 U.S.C. § 271(b) through the sale of its Lightning to 30-pin Adapters (e.g. Model Nos.  
17 MD823ZM/A and MD824ZM/A) for use with an Apple 5 or 12 Watt USB Power Adapter and  
18 30-pin to USB cable (e.g. Model No. MA591G/C). These Lightning to 30-pin Adapters  
19 constitute a material component of the invention of claims 1 and 2. Apple actively encourages  
20 and specifically intends customers to use the foregoing Lightning to 30-pin Adapters products in  
21 combination with an Apple 5 or 12 Watt USB Power Adapter and 30-pin to USB cable. See,  
22 e.g., Exhibit C ("This [30-pin] adapter lets you connect devices with a Lightning connector to  
23 many of your 30-pin accessories."). An Apple customer who uses any of the foregoing  
24

Comarco's Disclosures Pursuant to Rules 2.1 and 2.2

1 Lightning products in combination with a 5 or 12 Watt USB Power Adapter and 30-pin to USB  
2 cable directly infringes claims 1 and 2 of the '933 patent, as illustrated in the claim chart attached  
3 as Exhibit D.

4           5.       Apple indirectly infringes claims 1 and 2 the '933 patent pursuant to 35  
5 U.S.C. § 271(c) through the sale of its Lightning to 30-pin Adapters (e.g. Model Nos.  
6 MD823ZM/A and MD824ZM/A) for use with an Apple 5 or 12 Watt USB Power Adapter and  
7 30-pin to USB cable (e.g. Model No. MA591G/C). These Lightning to 30-pin Adapters  
8 constitute a material component of the invention of claims 1 and 2 and are not commodities or  
9 staple articles of commerce that have substantial non-infringing uses. Apple actively encourages  
10 and specifically intends customers to use the foregoing Lightning to 30-pin Adapters in  
11 combination with an Apple 5 or 12 Watt USB Power Adapter and 30-pin to USB cable. See,  
12 e.g., Exhibit D ("This [30-pin] adapter lets you connect devices with a Lightning connector to  
13 many of your 30-pin accessories."). An Apple customer who uses any of the foregoing  
14 Lightning to 30-pin Adapter products in combination with a 5 or 12 Watt USB Power Adapter  
15 and 30-pin to USB cable directly infringes claim 1 of the '933 patent, as illustrated in the claim  
16 chart attached as Exhibit B.

17           6.       Comarco may assert that Apple infringes claim 1 under 35 U.S.C. § 271  
18 through the sale of the Apple 10 Watt Power Adapter for use with a Lightning cable connector, if  
19 done on or after July 23, 2013.

20           7.       Plaintiff does not contend that either claim 1 or 2 is governed by 35 U.S.C.  
21 § 112(6)/(f).  
22  
23  
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Comarco's Disclosures Pursuant to Rules 2.1 and 2.2

1 **B. Priority**

2 As required by Standing Rule 2.1.4, plaintiff alleges that each of the asserted  
3 claims is entitled to a priority date of November 28, 2006.

4 **C. Commercial Use of the '933 Patent**

5 Pursuant to Standing Rule 2.1.5, Comarco states that it does not practice the '933  
6 patent.

7 **D. Willful Infringement**

8 Pursuant to Standing Rule 2.1.6, Comarco does not allege willful infringement at  
9 this time. Comarco reserves the right to amend this contention as discovery and trial preparation  
10 progress.

11 **E. Document Production**

12 Pursuant to Standing Rule 2.2.1, Comarco submits copies of the file histories for  
13 the '933 patent (production nos. COM0000001 to COM0000335), and the predecessor  
14 applications through which Comarco claims priority (production nos. COM0000336 to  
15 COM0001326).

16 **F. Ownership**

17 Pursuant to Standing Rule 2.2.2, Abstract of Title documents evidencing  
18 ownership of the '933 patent are produced herewith under production nos. COM001327 to  
19 COM001328. A copy of the patent assignment document will be submitted when it becomes  
20 available.

21 Respectfully submitted,

22 GRAHAM CURTIN, PA

23 By: 

24 Charles Quinn

April 14, 2015

Comarco's Disclosures Pursuant to Rules 2.1 and 2.2

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