

**UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ROSETTA-WIRELESS CORP., an Illinois Corporation,	)	
	)	
Plaintiff	)	Civil Action No. 15-cv-00799
	)	
v.	)	Honorable Judge Joan H. Lefkow
	)	
APPLE INC., a California Corporation	)	
	)	
Defendant.	)	
	)	
	)	

**PLAINTIFF’S LOCAL PATENT RULE 2.2 INITIAL INFRINGEMENT  
CONTENTIONS**

Pursuant to Local Patent Rule 2.2, Plaintiff Rosetta-Wireless Corporation (“Rosetta” or “Plaintiff”) hereby submits the following Initial Infringement Contentions.

Discovery is far from complete, and Rosetta is still seeking information from Apple that may affect Rosetta’s infringement contentions. Not all information about the Accused Instrumentalities is publicly available. Further, Rosetta understands that Apple intends to release products in the future that infringe the asserted claims.

Accordingly, Rosetta’s investigation into Apple’s infringement is ongoing, and Rosetta makes these disclosures based on its current knowledge. In light of the foregoing, Rosetta reserves the right to supplement or amend these disclosures as further facts are revealed during the course of this litigation.

## **I. INITIAL INFRINGEMENT CONTENTIONS**

### **A. Local Patent Rules 2.2(a) – Asserted Claims**

Apple is liable under 35 U.S.C. § 271(a) for infringement of claims 1-2, 4-6, 8-9, 58-59, and 62-63 of United States Patent No. 7,149,511 (the “511 Patent”) (infringement claim charts attached as Exhibit A). Rosetta’s investigation is ongoing, and Rosetta reserves the right to identify additional asserted claims based upon continued discovery and investigation.

### **B. Local Patent Rules 2.2(b) – Accused Instrumentalities**

The following Accused Instrumentalities infringe the asserted claims:

- iPhone 5
- iPhone 5c
- iPhone 5s
- iPhone 6
- iPhone 6 Plus
- iPhone 6s
- iPhone 6s Plus

Exhibit A discloses which claims of each asserted patent that each Accused Instrumentality infringes based on Rosetta’s investigation thus far. Rosetta further accuses any other Apple products that Apple is currently developing, making and/or using, including but not limited to any newer but unreleased versions of the accused products that have been recently announced by Apple. Accordingly, Rosetta reserves its right to supplement this disclosure to include any additional Apple products it identifies through discovery and its continuing investigation. Rosetta further reserves the right to supplement its disclosure to include any additional information it learns about the accused Apple products through discovery (which is in its early stages) and its continuing investigation.

**C. Local Patent Rules 2.2(c) – Claim Charts for the Accused Instrumentalities**

Attached as Exhibit A are claim charts that identify where each element of each asserted claim of the asserted patents is found within the Accused Instrumentalities, based on the information available to Rosetta.

Rosetta’s investigation is ongoing, and Rosetta reserves the right to amend or supplement these claim charts based upon continued discovery and investigation.

**D. Local Patent Rules 2.2(d) – Nature of Infringement**

Based on Rosetta’s current understanding, each element or limitation of each asserted claim of each asserted 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, Rosetta alleges, on information and belief, that any such elements or limitations are present under the doctrine of equivalents in the Accused Instrumentalities.

**E. Local Patent Rules 2.2(e) – Direct Infringement**

Each of the asserted claims is currently alleged to be infringed directly. Rosetta’s investigation is ongoing, and Rosetta reserves the right to amend or supplement its infringement allegations based upon continued discovery and investigation.

**F. Local Patent Rules 2.2(f) – Priority Dates**

Not applicable.

**G. Local Patent Rules 2.2(g) – Basis for Willful Infringement**

Upon information and belief, Apple had knowledge of the ’511 Patent no later than January 27, 2015, yet Apple has continued to infringe said patent. The infringement of the ’511 Patent by Apple is willful, deliberate and unreasonable, and with full knowledge of the patent, entitling Rosetta to increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs



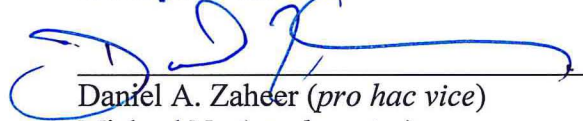
incurred in prosecuting this action under 35 U.S.C. § 285. Rosetta intends to amend its complaint to allege post-filing willful infringement.

**H. Local Patent Rules 2.2(h) – Patentee’s Patent-Practicing Products**

Rosetta produced approximately five prototype wireless personal network servers in or about 2005. These devices were never offered for sale or sold, were produced prior to issuance of the patent-in-suit and were not marked with the patent number.

Date: December 14, 2015

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*Attorneys for Plaintiff Rosetta-Wireless Corp.*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2015, I served Rosetta-Wireless Corporation's Initial Infringement Contentions upon counsel for Apple Inc. by email.

  
Daniel A. Zaheer (*pro hac vice*)

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