

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

PERSONALIZED MEDIA
COMMUNICATIONS, LLC,

Plaintiff,

vs.

APPLE, INC.,

Defendant.

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Case No. 2:15-cv-01366-JRG-RSP

LEAD CASE

PERSONALIZED MEDIA
COMMUNICATIONS, LLC,

Plaintiff,

vs.

TOP VICTORY ELECTRONICS (TAIWAN)
CO. LTD., TPV INT'L (USA), INC.,
ENVISION PERIPHERALS, INC., TOP
VICTORY ELECTRONICS (FUJIAN) CO.
LTD., TPV ELECTRONICS (FUJIAN) CO.
LTD., TPV TECHNOLOGY LTD., and
VIZIO, INC.

Defendants.

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Case No. 2:15-cv-01206-JRG-RSP

**PLAINTIFF'S DISCLOSURES UNDER P.R. 3-1
CONCERNING DEFENDANT APPLE, INC.**

Pursuant to Patent Rule 3-1, Plaintiff Personalized Media Communications, LLC, (“PMC”) hereby provides its Disclosure of Asserted Claims and Preliminary Infringement Contentions Concerning Defendant Apple, Inc. (“Apple”). PMC reserves the right to further supplement or alter its responses herein—including to supplement its infringement contentions pursuant to P.R. 3-6—based on additional information obtained through discovery or other means concerning Apple products or services.

I. PMC’s P.R. 3-1(a) Disclosures

Subject to ongoing discovery and investigation, PMC hereby contends that Apple directly and/or indirectly infringes the following claims under one or more of 35 U.S.C. § 271(a)-(c), (f) and (g) by making, using, selling, offering for sale, and/or importing into the United States the Accused Instrumentalities set forth in Part II below. PMC reserves the right to supplement its position as to infringement following further discovery.

U.S. Patent No.	Infringed Claims
8,191,091	13, 14, 15, 16, 18, 20, 21, 23, 24, 26, 27, 30
8,559,635	1, 2, 3, 4, 7, 13, 18, 20, 21, 28, 29, 30, 32, 33
7,752,649	39, 54, 62, 67
8,752,088	14

II. PMC’s P.R. 3-1(b) Disclosures

Subject to ongoing discovery and investigation, PMC hereby contends that the asserted patent claims are infringed by make, use, sale, offer for sale, and/or importation of the Accused Instrumentalities as identified for each claim in the chart below:

Patent	Claims	Accused Instrumentality of Apple
8,191,091	13, 14, 15, 16, 18, 20, 21, 23, 24	iTunes and/or QuickTime software application (installed on end users' MacOS or non-Apple computers), Apple's iOS products (including at least iPhone, iPod, iPad, and Apple TV), and MacOS products (including at least MacBook and iMac) which are compatible with Apple's FairPlay DRM scheme; Apple computer server(s) which implement Apple's FairPlay DRM scheme
8,191,091	26, 27, 30	iTunes and/or QuickTime software application (installed on end users' MacOS or non-Apple computers), Apple's iOS products (including at least iPhone, iPod, iPad, and Apple TV), and MacOS products (including at least MacBook and iMac) which are compatible with Apple's FairPlay DRM scheme and/or FairPlay Streaming (FPS) or HTTP Live Streaming (HLS) protocols; Apple computer server(s) which implement Apple's FairPlay DRM scheme and/or FPS or HLS protocols
8,559,635	1, 2, 4, 7, 18, 20, 21, 28, 29, 30, 32, 33	iTunes and/or QuickTime software application (installed on end users' MacOS or non-Apple computers), Apple's iOS products (including at least iPhone, iPod, iPad, and Apple TV), and MacOS products (including at least MacBook and iMac) which are compatible with Apple's FairPlay DRM scheme; Apple computer server(s) which implement Apple's FairPlay DRM scheme
8,559,635	3	Apple computer server(s) such as iTunes Store or App Store servers which implement Apple's FairPlay DRM scheme

Patent	Claims	Accused Instrumentality of Apple
8,559,635	13	Apple's iOS products (including at least iPhone, iPod, iPad, and Apple TV) and MacOS products (including at least MacBook and iMac) which are capable of downloading and decrypting apps in accordance with Apple's FairPlay DRM scheme; Apple computer server(s) which implement Apple's FairPlay DRM scheme
7,752,649	39, 62, 67	Apple's QuickTime and Safari software applications (installed on end users' MacOS or Windows computers), Apple's iOS products (including at least iPhone, iPod, iPad, and Apple TV), and MacOS products (including at least MacBook and iMac) which are compatible with Apple's HTTP Live Streaming (HLS) protocol; Apple computer server(s) which implement Apple's HLS protocol
7,752,649	54	Apple computer server(s) such as iTunes Store, Apple Music, or other content servers which implement HTTP Live Streaming (HLS) protocol
8,752,088	14	Apple's QuickTime and Safari software applications (installed on end users' MacOS or Windows computers), Apple's iOS products (including at least iPhone, iPod, iPad, and Apple TV), and MacOS products (including at least MacBook and iMac) which are compatible with Apple's HTTP Live Streaming (HLS) protocol or the MPEG-2 standard in general; Apple computer server(s) which implement Apple's HLS protocol and/or or the MPEG-2 standard

III. PMC's P.R. 3-1(c) Disclosures

Subject to ongoing discovery and investigation, PMC hereby contends that each element of each infringed claim is found within each Apple Accused Instrumentality as shown in

preliminary infringement claim charts attached hereto as Exhibits A, B, C, & D. PMC has tentatively identified the claim terms that may require claim construction, by underlining and bolding those claim terms in the “Asserted Claims” column of the infringement claim charts. These identifications are based on information currently available to PMC. PMC reserves the right to amend its asserted claims and infringement contentions pursuant to P.R. 3-6 as discovery progresses and additional information is gathered.

IV. PMC’s P.R. 3-1(d) Disclosures

Subject to ongoing discovery and investigation, PMC hereby contends that, except where it is indicated otherwise, each element of each asserted claim is literally present in each of the Accused Instrumentalities as specifically shown in Exhibits A, B, C, & D.

At this time, PMC believes that the following elements of the asserted claims where infringement may depend on equivalents:

- Claim 2 of the ’635 Patent: “first decryptor” or “second decryptor”
- Claim 21 of the ’635 Patent: “first processor control” or “second processor control”
- Claims 39 and 67 of the ’649 Patent: “television receiver” [*only if the preamble is found to be limiting*]

However, as indicated above, more discovery is required for PMC’s literal infringement position, and the Court have yet to issue any claim construction order. Pursuant to P.R. 3-6, PMC expressly reserves the right to augment and supplement its position on whether there is infringement under the doctrine of equivalents of any other elements of any asserted claims after further discovery from Apple and/or depending on this Court’s decision on all the claim construction issues.

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