1   M. ELIZABETH DAY (SBN 177125)
    eday@feinday.com
2   DAVID ALBERTI (SBN 220265)
    dalberti@feinday.com
3   SAL LIM (SBN 211836)
    slim@feinday.com
4   MARC BELLOLI (SBN 244290)
    mbelloli@feinday.com
5
6   **FEINBERG DAY ALBERTI LIM &**
    BELLOLI LLP
7   1600 El Camino Real, Suite 280
    Menlo Park, CA 94025
8   Tel: 650.618.4360
    Fax: 650.618.4368
9
10 Attorneys for Uniloc 2017 LLC.
11
12
                    UNITED STATES DISTRICT COURT
13
                   CENTRAL DISTRICT OF CALIFORNIA
14

15 UNILOC 2017 LLC,   CASE NO. 8:18-cv-02053-AG-JDE

16   Plaintiff,   **DISCLOSURE OF ASSERTED CLAIMS**
                                       AND INFRINGEMENT
17   v.   **CONTENTIONS; DOCUMENT**
                                       PRODUCTION ACCOMPANYING
18 MICROSOFT CORPORATION,   **DISCLOSURE**

19   Defendant.
20
21
22
23
24
25
26
27
                                  -1-
28
    DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

In accordance with Standing Patent Rule 2.1 of the Court's Standing Patent Rules, Plaintiff Uniloc 2017 LLC ("Uniloc") hereby provides its Disclosure of Asserted Claims and Infringement Contentions and Document Production Accompanying Disclosure, as follows:

Disclosure Under Standing Patent Rule 2.1.1 and 2.1.2

Uniloc alleges that Microsoft Corporation ("Microsoft") directly and indirectly infringes U.S. Patent Nos. 7,016,676 (the "'676 Patent), 7,075,917 (the "'917 Patent"), 8,706,636 (the "'636 patent") and 8,606,856 (the "'856 Patent") (collectively "the Asserted Patents") under 35 U.S.C. § § 271(a)-(c).

Uniloc is asserting the following claims against the following Microsoft products/services: claims 1, 2 and 5 of the '676 Patent against Microsoft Surface products containing a combined Bluetooth/Wi-Fi chip solution, such as the Marvell Avastar Family devices; claim 10 of the '917 Patent against Microsoft products and services, including without limitation hotspots, modems and terminals that support HSPA/HSPA+/HSUPA/HSUPA+ (collectively "HSPA") standardized in UMTS 3 GPP Release 6 and above, including compatible Microsoft Surface products, such as the Microsoft Surface Pro with LTE and the Surface Go with LTE Advanced, and Microsoft Lumia products, such as the Microsoft Lumia 535 products, Lumia 635 products, Lumia 640 LTE products, Lumia 640 XL products, Lumia 950 products, and Lumia 950 XL products; claims 1, 4, 7, 8, 9, 18, 21, 24, 25, 26, 36, 38, 39, 42, 45 and 48 of the '636 Patent against Microsoft Office Products that allow for subscription sharing, and related, software, servers, user/client devices, systems and methods (including, but are not limited to, activation and installation software for all versions of Microsoft Office 365); and claims 1, 2, 4, 7, 9, 10, 12, 15, 17, 18, 20 and 23 of the '856 patent against Microsoft Office Products that allow for subscription sharing, and related, software, servers, user/client devices, systems and methods (including, but are not limited to, activation and installation software for all versions of Microsoft Office 365).

A further description of the infringing Microsoft products/services is provided in charts attached hereto as Exhibits A-D and incorporated by reference.

Disclosure Under Standing Patent Rule 2.1.3

Each accused apparatus, product, device, process, method, act, or other instrumentality ("Accused Product") of Microsoft of which Uniloc is aware currently is identified, separately for each asserted claim, in charts attached hereto as Exhibits A-D and incorporated by reference.

This disclosure is based on the present state of the Uniloc's knowledge, without the benefit of any discovery from Microsoft or any other third-parties. Uniloc accordingly reserves the right to support its infringement contentions with additional allegations of infringement of other Products and of other claims, and with additional facts and products, particularly those for which information is not publicly available. Uniloc also reserves the right to modify the positions taken in these disclosures, based on later obtained materials, and/or based on information currently available, which Uniloc has not yet identified as significant.

Each element of each claim as set forth in Exhibits A-D is literally present in the Accused Products. Uniloc will serve an interrogatory on Microsoft seeking its non-infringement contentions. Uniloc intends to supplement its infringement contentions to allege infringement under the doctrine of equivalents to the extent Microsoft provides information regarding those claim elements it contends it does not literally infringe. In addition, to the extent that the Court construes claims differently, Uniloc reserves the right to specifically identify equivalents to those construed claims which are practiced by Microsoft directly or indirectly.

Disclosure Under Standing Patent Rule 2.1.4

Uniloc contends the Asserted Claims of the Asserted Patents are entitled to the following priority dates:

The '676 patent: August 8, 2000

The '917 patent: October 11, 2000

1   The '636 patent: December 10, 2001

2   The '856 patent: December 10, 2001

3   **Disclosure Under Standing Patent Rule 2.1.5**

4   Uniloc is not relying on the assertion that its own apparatuses, products,

5   devices, processes, methods, acts, or other instrumentalities practice the claimed

6   inventions.

7   **Disclosure Under Standing Patent Rule 2.1.6**

8   Uniloc alleges that Microsoft willfully infringes the Asserted Patents as

9   follows:

10   Microsoft's acts of infringement of the Asserted Patents have been willful

11   and intentional under the standard announced in *Halo Elecs., Inc. v. Pulse Elecs.,*

12   *Inc.,* 136 S.Ct. 1923, 195 L.Ed 2d 278 (2016). Since at least July 24, 2018,

13   Microsoft has willfully infringed the '676 patent and since at least August 10, 2018

14   Microsoft has willfully infringed the '917 patent, the '636 patent and the '856

15   patent by refusing to take a license and continuing to make, use, test, sell, license,

16   import, and/or offer for sale/license the Accused Products. Microsoft has been

17   aware that it infringes the Asserted Patents since at least July 24 ,2018 and August

18   10, 2018 and instead of taking a license, Microsoft has opted to make the business

19   decision to "efficiently infringe" the Asserted Patents. In doing so, Microsoft has

20   willfully infringed the Asserted Patents.

21   Uniloc reserves the right to modify the positions taken in these disclosures,

22   based on later obtained materials and/or based on information currently available

23   that the Uniloc has not yet identified as significant.

24   **Document Production Under Standing Patent Rule 2.2**

25   Uniloc objects to the requirements of this production to the extent that it calls

26   for the production of documents protected by the attorney-client privilege. Further,

27   in producing these documents, Uniloc does not admit or concede the relevancy,

28   materiality, authenticity, or admissibility as evidence of any of these documents.

1   All objections to the use, at trial or otherwise, of any document produced are hereby

2   expressly reserved. Uniloc's discovery and investigation in connection with this

3   lawsuit is ongoing. As a result, Uniloc produces these documents without prejudice

4   as to the right to produce additional documents after considering documents

5   obtained or reviewed through further discovery or investigation. Subject to and

6   without waiving its objections, Uniloc produces responsive documents as follows:

  Standing Patent Rule 2.2.1: UNI-MS-2053_0000198-1526

  Standing Patent Rule 2.2.2: UNI-MS-2053_0000001-197; UNI-MS-

  2053_0001527-4040

  Standing Patent Rule 2.2.3: None.

Dated: January 4, 2019   FEINBERG DAY ALBERTI LIM & BELLOLI
        LLP

        By: */s/ M. Elizabeth Day*
         M. Elizabeth Day
         Attorneys for Plaintiff
         Uniloc 2017 LLC

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

fastcase®
Smarter legal research.