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18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA

20 UNILOC 2017 LLC,
21
22 Plaintiff,
23 v.
24 MICROSOFT CORPORATION,
25 Defendant.

CASE NO. 8:19-cv-0955-AG-JDE
CASE NO. 8:19-cv-0956-AG-JDE

**DISCLOSURE OF ASSERTED CLAIMS
AND INFRINGEMENT
CONTENTIONS; DOCUMENT
PRODUCTION ACCOMPANYING
DISCLOSURE**

**MICROSOFT CORP.
EXHIBIT 1009**

1 In accordance with Standing Patent Rule 2.1 of the Court’s Standing Patent
2 Rules, Plaintiff Uniloc 2017 LLC (“Uniloc”) hereby provides its Disclosure of
3 Asserted Claims and Infringement Contentions and Document Production
4 Accompanying Disclosure, as follows:

5 **Disclosure Under Standing Patent Rule 2.1.1 and 2.1.2**

6 Uniloc alleges that Microsoft Corporation (“Microsoft”) directly and
7 indirectly infringes U.S. Patent No. 6,498,541 (the “’541 Patent”) by making, using,
8 selling, licensing, offering for sale/license and/or importing accused devices that
9 practice a method of controlling a bus communication system, for example, all
10 Microsoft products with an USB-3.1 (also known as USB-C) interface, including
11 but not limited to Microsoft Surface Book 2 and Surface Go and alleges that
12 Microsoft directly and indirectly infringes U.S. Patent No. 6,467,088 (the “’088
13 Patent”) by making, using, selling, licensing, offering for sale/license and/or
14 importing accused devices that practice a processor-implemented method for
15 controlling the reconfiguration of an electronic device, for example, all versions of
16 Microsoft Windows 8.1 and 10 software that include the Windows Update feature
17 (“Windows Update”), as well as any client devices running Microsoft Windows 8.1
18 and 10 software (e.g., Microsoft Surface Devices including Windows 8.1 and 10
19 such as the (1) Microsoft Surface, (2) Microsoft Surface 2, (3) Microsoft Surface 3,
20 (4) Microsoft Surface Pro, (5) Microsoft Surface Pro 2, (6) Microsoft Surface Pro 3,
21 (7) Microsoft Surface Pro 4, (8) Microsoft Surface Pro (5th Gen), (9) Microsoft
22 Surface Pro 6, (10) Microsoft Surface Book, (11) Microsoft Surface Book 2, (12)
23 Microsoft Surface Laptop, (13) Microsoft Surface Laptop 2, (14) Surface Studio,
24 (15) Surface Studio 2, (16) Surface Go, (17) Surface Go with LTE Advanced),
25 servers (e.g., Microsoft Windows Update servers), computer readable media,
26 software and hardware used to implement Windows Update (collectively the
27 “Accused Products”) under 35 U.S.C. § § 271(a)-(c).

28 Uniloc accuses Microsoft of infringing claims 1, 2 and 3 of the ’541 patent

1 and claims 1, 2, 3, 4, 6, 7, 8 and 9 of the '088 patent (collectively the "Asserted
2 Claims"). A further description of the infringing Microsoft products/services is
3 provided in Exhibits A-B and incorporated by reference.

4 **Disclosure Under Standing Patent Rule 2.1.3**

5 The Accused Products of which Uniloc is aware currently are identified in
6 Exhibits A-B and incorporated by reference.

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

15 Each element of the Asserted Claims as set forth in Exhibits A-B is literally
16 present in the Accused Products. To the extent that the Court construes claims
17 differently, Uniloc reserves the right to specifically identify equivalents to those
18 construed claims which are practiced by Microsoft directly or indirectly.

19 **Disclosure Under Standing Patent Rule 2.1.4**

20 Uniloc contends the following with respect to priority dates:

21 Claims 1, 2 and 3 of the '541 patent are entitled to the priority date of June
22 20, 2000; and

23 Claims 1, 2, 3, 4, 6, 7, 8 and 9 of the '088 patent are entitled to the priority
24 date of June 30, 1999.

25 **Disclosure Under Standing Patent Rule 2.1.5**

26 Uniloc is not relying on the assertion that its own apparatuses, products,
27 devices, processes, methods, acts, or other instrumentalities practice the claimed
28 inventions.

1 **Disclosure Under Standing Patent Rule 2.1.6**

2 Uniloc alleges that Microsoft willfully infringes the Asserted Patents as
3 follows:

4 Microsoft's acts of infringement of the '541 Patent have been willful and
5 intentional under the standard announced in *Halo Elecs., Inc. v. Pulse Elecs., Inc.*,
6 136 S.Ct. 1923, 195 L.Ed 2d 278 (2016). Since at least May 20, 2019 Microsoft
7 has willfully infringed the '541 Patent by refusing to take a license and continuing
8 to make, use, test, sell, license, import, and/or offer for sale/license the Accused
9 Products. Microsoft has been aware that it infringes the '541 Patent since at least
10 May 20, 2019 and instead of taking a license, Microsoft has opted to make the
11 business decision to "efficiently infringe" the '541 Patent. In doing so, Microsoft
12 has willfully infringed the '541 Patent.

13 Microsoft's acts of infringement of the '088 Patent have been willful and
14 intentional under the standard announced in *Halo Elecs., Inc. v. Pulse Elecs., Inc.*,
15 136 S.Ct. 1923, 195 L.Ed 2d 278 (2016). Since at least May 20, 2019 Microsoft
16 has willfully infringed the '088 Patent by refusing to take a license and continuing
17 to make, use, test, sell, license, import, and/or offer for sale/license the Accused
18 Products. Microsoft has been aware that it infringes the '088 Patent since at least
19 May 20, 2019 and instead of taking a license, Microsoft has opted to make the
20 business decision to "efficiently infringe" the '088 Patent. In doing so, Microsoft
21 has willfully infringed the '088 Patent.

22 Uniloc reserves the right to modify the positions taken in these disclosures,
23 based on later obtained materials and/or based on information currently available
24 that the Uniloc has not yet identified as significant.

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

26 Uniloc objects to the requirements of this production to the extent that it calls
27 for the production of documents protected by the attorney-client privilege. Further,
28 in producing these documents, Uniloc does not admit or concede the relevancy,

1 materiality, authenticity, or admissibility as evidence of any of these documents.
2 All objections to the use, at trial or otherwise, of any document produced are hereby
3 expressly reserved. Uniloc's discovery and investigation in connection with this
4 lawsuit is ongoing. As a result, Uniloc produces these documents without prejudice
5 as to the right to produce additional documents after considering documents
6 obtained or reviewed through further discovery or investigation. Subject to and
7 without waiving its objections, Uniloc produces responsive documents as follows:

8 Standing Patent Rule 2.2.1: UNI-MS-2053_0033942-34140.

9 Standing Patent Rule 2.2.2: UNI-MS-2053_0001527-4109, UNI-MS-
10 2053_14404-14906, UNI-MS-2053_14922-15786, UNI-MS-2053_0017187-17229,
11 UNI-MS-2053_0020586-21731, UNI-MS-2053_0034141-34469.

12 Standing Patent Rule 2.2.3: None.

13
14 Dated: July 29, 2019

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16 By: /s/ M. Elizabeth Day

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18 *Attorneys for Plaintiff*
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