

Version 5, and/or Version 5.1. At this time, Rembrandt has had no discovery to date from Defendant. Rembrandt expects that additional ones of Defendant's Bluetooth EDR Products will be identified during discovery. Accordingly, Rembrandt reserves the right to supplement or alter its disclosure herein based on additional information obtained through formal discovery or other means concerning Defendant's products.

I. P.R. 3-1(a) - Asserted Claims

Pursuant to P.R. 3-1(a), and based on the information presently available to it, Rembrandt contends that Apple currently infringes and/or has infringed (directly and/or indirectly) the following Asserted Claims:

- claims 2 and 59 of the '580 Patent; and
- claim 21 of the '228 Patent.

Rembrandt expressly reserves the right to augment and supplement its identification of Asserted Claims based on additional information obtained through discovery.

II. P.R. 3-1(b) - Accused Products

Pursuant to P.R. 3-1(b), and based on information presently available to it, Rembrandt asserts that the Apple Bluetooth EDR Products listed in Exhibit A are marketed and sold as interoperable in accordance with Bluetooth Version 2.0 + EDR, Version 2.1 + EDR, Version 3.0 + HS, Version 4.0 + LE, Version 4.1, Version 4.2, Version 5, and/or Version 5.1, and as a result satisfy each of the elements of the Asserted Claims. Moreover, Apple sells or otherwise transfers its Accused Bluetooth EDR Products to customers, actively encouraging them to use those Accused Bluetooth EDR Products in a manner which induces and contributes to the infringement of the Asserted Claims.

Apple infringes the Asserted Claims as specified in the charts identified in section III, below. Rembrandt's identification of accused products is merely exemplary, and Apple's forthcoming products with the same or similar functionality as that identified in the attached charts also infringe the Asserted Claims. Rembrandt expressly reserves the right to augment and supplement its identification of Asserted Claims and infringing products based on additional information obtained through formal discovery and as additional products are introduced.

III. P.R. 3-1(c) - Claim Charts

Pursuant to P.R. 3-1(c), Rembrandt's detailed infringement assertions with respect to the Asserted Claims are contained in the charts labeled Exhibits B and C.

IV. P.R. 3-1(d) - Doctrine of Equivalents

Pursuant to P.R. 3-1(d), Rembrandt asserts that the claims are literally infringed as reflected in attached Exhibit B and C. Currently, Rembrandt knows of no specific limitations of the asserted claims where infringement depends on the doctrine of equivalents. To the extent Apple successfully argues that any of the limitations are not literally present in the Accused Bluetooth EDR Products, the charts identify illustrative support for where the equivalent feature is found under the doctrine of equivalents. Rembrandt expressly reserves the right to modify, augment, and/or supplement its assertion of infringement under the doctrine of equivalents of any elements of any of the asserted claims after discovery from Apple and/or third parties and/or after this Court has set forth its construction of the asserted claims.

V. P.R. 3-1(e) - Priority Claim to an Earlier Application

Pursuant to P.R. 3-1(e), each of the Asserted Claims is entitled to a filing date of December 5, 1997 because each is entitled to claim priority to U.S. Provisional Patent Application serial no. 60/067,562.

VI. P.R. 3-1(f) - Own Products That Practice Inventions

Pursuant to P.R. 3-1(f), Rembrandt does not currently intend to rely on the assertion that its apparatus, product, device, process, method, act, or other instrumentality practices any of the claimed inventions.

VII. P.R. 3-2(a) – Documents Evidencing Disclosures, Sales or Offers to Sell

Pursuant to P.R. 3-2(a), Rembrandt is unaware of any documents that evidence any discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the claimed invention prior to the date of application for the patent in suit.

VIII. P.R. 3-2(b) – Documents Evidencing Conception, Reduction to Practice, Design and Development

Pursuant to P.R. 3-2(b), the following documents evidence the conception, reduction to practice, design, and development of each claimed invention and were created on or before the December 5, 1997 priority date of the patents-in-suit: RIP00004310 – 4343, RIP00007848 – 7854, and RIP00013197 – 13207.

IX. P.R. 3-2(c) – File Histories of Patents-In-Suit

Pursuant to P.R. 3-2(c), the following documents are copies of the file histories of the patents-in-suit: RIP00000001 – 4309.

The following documents include reexamination proceedings and IPRs involving the '580 and '228 Patents: REM_USPTO_00000001 – 28863.

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Respectfully submitted,

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