



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.

Date: April 26, 2019

Respectfully submitted,

/s/ Eric J. Enger

Michael F. Heim (Texas Bar No. 09380923)  
mheim@hpcllp.com

Eric Enger (Texas Bar No. 24045833)  
eenger@hpcllp.com

Christopher First (Texas Bar No. 24095112)  
cfirst@hpcllp.com

Blaine Larson (Texas Bar No. 24083360)  
blarson@hpcllp.com

**HEIM, PAYNE & CHORUSH, LLP**

1111 Bagby St., Suite 2100

Houston, Texas 77002

Telephone: (713) 221-2000

Facsimile: (713) 221-2021

Demetrios Anaipakos (Texas Bar No. 00793258)  
danaipakos@azalaw.com

Amir Alavi (Texas Bar No. 00793239)  
aalavi@azalaw.com

Alisa Lipski (Texas Bar No. 24041345)  
alipski@azalaw.com

Kyril Talanov (Texas Bar No. 24075139)  
ktalanov@azalaw.com

**AHMAD, ZAVITSANOS, ANAIPAKOS,  
ALAVI & MENSING, P.C.**

1221 McKinney Street, Suite 3460

Houston, TX 77010

Telephone: 713-655-1101

Facsimile: 713-655-0062

T. John Ward, Jr.

Texas Bar No. 00794818

jw@wsfirm.com

**WARD & SMITH LAW FIRM**

1127 Judson Road, Suite 220

Longview, TX 75601

Telephone: (903) 757-6400

Facsimile: (903) 757-2323

**ATTORNEYS FOR REMBRANDT WIRELESS  
TECHNOLOGIES LP**

# 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.