IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

OPTIS WIRELESS TECHNOLOGY, LLC, OPTIS CELLULAR TECHNOLOGY, LLC, UNWIRED PLANET, LLC, UNWIRED PLANET INTERNATIONAL LIMITED, AND PANOPTIS PATENT MANAGEMENT, LLC., **Plaintiffs,** **v.** **APPLE INC.,** **Defendant.**	Civil Action No. 2:19-cv-00066-JRG **JURY TRIAL DEMANDED**

DEFENDANT APPLE INC.'S P.R. 3-3 INVALIDITY CONTENTIONS

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I. INTRODUCTION

Pursuant to Rule 3-3 of the Rules of Practice for Patent Cases before the United States District Court for the Eastern District of Texas ("P.R.") and the Court's July 18, 2019 Docket Control Order, Defendant Apple Inc. ("Apple") hereby serves Invalidity Contentions with respect to the asserted claims of U.S. Patent No. 8,005,154 ("'154 patent"), U.S. Patent No. 8,019,332 ("'332 patent"), U.S. Patent No. 8,102,833 ("'833 patent"), U.S. Patent No. 8,385,284 ("'284 patent"), U.S. Patent No. 8,411,557 ("'557 patent"), U.S. Patent No. 8,989,290 ("'290 patent"), and U.S. Patent No. 9,001,774 ("'774 patent") (collectively, the "Patents-in-Suit" or "asserted patents") identified by Plaintiffs Optis Wireless Technology, LLC, Optis Cellular Technology, LLC, and PanOptis Patent Management, LLC, Unwired Planet, LLC, Unwired Planet International Limited, and PanOptis Patent Management, LLC (collectively, "Plaintiffs" or "PanOptis") in Plaintiffs' Disclosure of Asserted Claims and Preliminary Infringement Contentions Under Patent Rule 3-1 and 3-2 ("Plaintiffs' Infringement Contentions") served on June 17, 2019.

Plaintiffs have asserted the following claims against Apple:

- '154 patent: Claims 33-34, 37-38
- '332 patent: Claims 1-10
- '833 patent: Claims 1-14
- '284 patent: Claims 1-5, 8, 10-12, 14-18, 21, 23-25, 27-29
- '557 patent: Claims 1-6, 9-10
- '290 patent: Claims 10-13
- '774 patent: Claims 6-10

With respect to each asserted claim and based on its investigation to date, Apple hereby:

(a) identifies each prior art reference that anticipates each asserted claims or renders it obvious according to P-R 3-3(a); (b) specifies whether each such prior art reference anticipates each asserted claim or renders it obvious, and, if it renders it obvious, identifies any combinations of prior art showing obviousness and explains the motivation to combine the prior art that renders the asserted claim obvious and; (c) submits a chart identifying where specifically in each prior art reference each element of each asserted claim is found, including, for each element that is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in each prior art reference that performs the claimed function; (d) identifies the grounds of invalidity based indefiniteness under 35 U.S.C. § 112(2) or enablement or written description under 35 U.S.C. § 112(1) of any of the asserted claims.

In addition, pursuant to P.R. 3-4(a), Apple has made available for inspection on source code computers certain source code in its possession for the Qualcomm baseband chips incorporated in certain accused products. Apple also has available on the source code computers certain source code in its possession for the Intel baseband chips incorporated in certain accused products; Apple is awaiting Intel's consent and Intel's approval of plaintiffs' disclosed source code reviewers and will immediately make the source code available upon receiving Intel's consent and approval. Pursuant to P.R. 3-4(b), Apple has produced each item of prior art identified pursuant to P.R. 3-3(a), which does not appear in the file history of the patents-in-suit.

II. RESERVATIONS

Consistent with P.R. 3-6, Apple reserves the right to amend these Invalidity Contentions. The information and documents that Apple produces are provisional and subject to further revision. Apple expressly reserves the right to amend these disclosures and the accompanying document production should Plaintiffs amend their P.R. 3-1 or 3-2 disclosures in any way. Further, as discovery is only beginning, Apple reserves the right to revise, amend, and/or

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