IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PACT XPP SCHWEIZ AG,	)	
	)	
Plaintiff,	)	C.A. No. 19-1006-RGA
	)	
v.	)	
	)	
INTEL CORPORATION,	)	
	)	
Defendant.	)	

INTEL CORPORATION'S INITIAL INVALIDITY CONTENTIONS

in accordance with Intel's assumptions that PACT: (1) contends those claims are definite, (2) finds written description support for those claims, and (3) contends that those claims are enabled. However, Intel's prior art invalidity contentions do not necessarily represent Intel's agreement or view as to the meaning, definiteness, written description support for, or enablement of any claim contained therein, or that the patents-in-suit properly disclose structures corresponding to functions in claims governed by 35 U.S.C. § 112 ¶ 6. In fact, Intel notes numerous grounds for invalidity on such bases below.

Much of the art identified in the attached exhibits reflects common knowledge and the state of the art before the filing date of the patents-in-suit. In many instances where a particular contention calls for combining references, any one of a number of references can be combined. The inclusion of certain exemplary combinations of prior art references does not exclude other combinations based upon the claim charts attached hereto.

Each of the asserted claims of the patents-in-suit is anticipated by and/or obvious in view of one or more of the items of prior art identified herein alone or in combination with other prior art references. None of the contentions contained herein shall be construed as an admission that any asserted claim satisfies the requirements of 35 U.S.C. § 112.

I.   THE '763 PATENT

Claims 1, 2-10, 12-22, 24-26, 28, 30-31 of the '763 Patent (the "Asserted '763 Patent Claims") have been asserted by Plaintiff in this litigation.[1]

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[1] With respect to all patents-in-suit, pursuant to the Court's Scheduling Order (D.I. 20), Intel has only provided invalidity contentions for the asserted claims of the patents-in-suit. Should Plaintiff later attempt to assert claims that they have not previously identified, Intel reserves the right to contend that any newly-asserted claims are invalid.

A. Identification of Prior Art, Basis for Invalidity Under 35 U.S.C. §§ 102, 103 and Claim Charts

1. Anticipation

Based on Plaintiff's October 11, 2019 Disclosure of Asserted Claims and Infringement Contentions, Intel identifies prior art below and in Exhibit A, which contains charts disclosing the identity of each item of prior art that anticipates each claim and/or renders it obvious. As shown in Exhibit A and below, Intel has identified each prior art patent by its number, country of origin, and date of issue. To the extent feasible, Intel has identified each prior art publication by its title, date of publication, author, and publisher. Intel notes that it has applied the prior art in accordance with Plaintiff's improper assertions of infringement and improper applications of the claims. Intel does not agree with Plaintiff's application of the claims and denies infringement.

As set forth in Exhibit A and below, each of the following references, and any products, devices, or processes used in the prior art that embody the subject matter disclosed in the references, anticipates one or more asserted claims of the '763 Patent by expressly or inherently disclosing each and every limitation of those claims. To the extent PACT contends that any of the following anticipatory references do not anticipate any asserted claim, Intel reserves the right to contend that each of the anticipatory references renders the claims obvious either in view of the reference alone or in combination with other references. A corresponding claim chart for each reference is attached hereto in Exhibit A as indicated in the "Exh. No." column.

While Intel has identified at least one citation per element or limitation for each reference identified in the charts contained in Exhibit A, each and every disclosure of the same element or limitation in the same reference is not necessarily identified. In an effort to focus the issues, Intel cites exemplary relevant portions of identified references, even where a reference may contain additional disclosure for a particular claim element or limitation, and reserves all rights to rely on

other portions of the identified references to support its claims and/or defenses. Persons of ordinary skill in the art generally read a prior art reference as a whole and in the context of other publications and literature. Intel may rely on uncited portions of the prior art references and on other publications and expert testimony to provide context and as aids to understanding and interpreting the portions of the prior art references that are cited. Disclosures relating to initial elements of dependent claims are disclosed in connection with the independent claims from which they depend. Intel may also rely on uncited portions of the prior art references, other publications, and the testimony of experts to establish that a person of ordinary skill in the art would have been motivated to modify or combine certain of the cited references so as to render the claims obvious. Where Intel cites to a particular figure in a prior art reference, the citation should be understood to encompass the caption and description of the figure and any text relating to the figure in addition to the figure itself. Conversely, where a cited portion of text refers to a figure, the citation should be understood to include the figure as well.

a. **Prior Art Patents and Domestic and Foreign Patent Applications Under 35 U.S.C. § 102**

Exh. No.	Patent / Publication No.	Country	Inventor(s)	Date of Issue
A1	5,761,455	U.S.	Edward C. King, Alan G. Smith, and James C. Lee	June 2, 1998
A2	0071727A1	EP	Robert L. Budzinski and Satish M. Thatte	February 16, 1983
A3	6,381,682	U.S.	Karen L. Noel, Gregory H. Jordan, Paul K. Harter, Jr., and Thomas Benson	April 30, 2002
A4	6,144,327	U.S.	Robert J. Distinti and Harry F. SmithRobert J.	November 7, 2000

Exh. No.	Patent / Publication No.	Country	Inventor(s)	Date of Issue
A5	5,761,523	U.S.	Paul Amba Wilkinson, James Warren Dieffenderfer, Peter Michael Kogge, and Nicholas Jerome Schoonover	Jun. 2, 1998
A6	5,197,140	U.S.	Keith Balmer	March 23, 1993
A7	6,457,087	U.S.	Daniel D. Fu	September 4, 2002
A8	5,909,702	U.S.	Marc Jalfon, David Regenold, Franco Ricci, and Ramprasad Satagopan	June 1, 1999

b.　　Prior Art Product

Exh. No.	Product Name	Date[2]
A9	TMS320C80	1996
A10	POWER4	1999
A11	Intel IXP2800	1999
A12	Sequent NUMA-Q	1997
--	Intel Nehalem-EX[3]	2010

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[2] *See* 93613DOC0000003-4. Intel reserves the right to modify and supplement this information in the event that additional data is identified.

[3] Nehalem-EX was sold by Intel at least as early as January 15, 2010. PACT is not entitled to a priority date earlier than the filing date of the application leading to the '763 patent. To the

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