

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BROADBAND iTV, INC.,

Plaintiff,

v.

DISH NETWORK, L.L.C.,

Defendant.

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NO. 6:19-cv-716-ADA

**PLAINTIFF BROADBAND iTV, INC.’S PRELIMINARY INFRINGEMENT
CONTENTIONS AND IDENTIFICATION OF PRIORITY DATES**

Plaintiff Broadband iTV, Inc. (“BBiTV”) serves its preliminary infringement contentions and identification of priority dates (“Disclosure”) subject to the governing Scheduling Order regarding infringement by Defendant DISH Network L.L.C. (“DISH”) of U.S. Patent Nos. 10,028,026 (the “’026 Patent”), 10,506,269 (the “’269 Patent”), 9,998,791 (the “’791 Patent”), and 9,648,388 (the “’388 Patent”) (collectively, “the Asserted Patents”).

BBiTV bases this Disclosure on its current knowledge, understanding, and belief as to the facts and information available as of the date of this Disclosure. BBiTV has not yet completed its investigation, collection of information, discovery, or analysis relating to this action, and additional discovery, including discovery from DISH and third parties, may lead BBiTV to amend, revise, and/or supplement this Disclosure. BBiTV specifically reserves the right to amend, revise and/or supplement this Disclosure and/or accompanying exhibits in accordance with any Orders of record in this matter, and Federal Rule of Civil Procedure 26(e), as additional documents and information become available and as discovery and investigation proceed.

BBiTV reserves the right to supplement, modify or amend this Disclosure to include additional products or services made, used, sold, or offered for sale in or imported into the United States by DISH.

This Disclosure is made without prejudice to any position BBiTV may take with respect to claim construction. BBiTV reserves its right to supplement this Disclosure and exhibits based on the Court's claim construction. BBiTV further reserves the right to introduce and use such supplemental materials at trial.

The information in this Disclosure is not an admission regarding the scope of any claims or the proper construction of those claims or any terms contained therein. The production of documents accompanying this Disclosure is not an admission that such documents are admissible and BBiTV does not waive any objections regarding admissibility. BBiTV reserves the right to supplement its production of documents accompanying this disclosure upon identification or receipt of additional documents, including documents from third parties.

I. PRELIMINARY INFRINGEMENT CONTENTIONS

BBiTV's preliminary infringement contentions are attached hereto as Exhibits 1-4. At this stage, BBiTV provides charts for the following claims of the Asserted Patents:

- '026 Patent: claims 1-9, 11-16 (Exhibit 1)
- '269 Patent: claims 1-6, 8-12, 14-17 (Exhibit 2)
- '791 Patent: claims 1-3, 5-12, 14-18 (Exhibit 3)
- '388 Patent: claims 1-19 (Exhibit 4)

II. IDENTIFICATION OF THE PRIORITY DATE FOR EACH CLAIM OF THE ASSERTED PATENTS

BBiTV sets forth that the priority date for each asserted claim is at least as early as:

- '026 Patent, claims 1-9: July 30, 2004

- '026 Patent, claims 11-16: March 12, 2007
- '269 Patent, claims 1-6, 8-12, 14-17: March 12, 2007
- '791 Patent, claims 1-3, 5-12, 14-18: July 30, 2004
- '388 Patent, claims 1-19: July 30, 2004

III. DOCUMENT PRODUCTION

Accompanying this Disclosure, BBitV produces, *inter alia*, copies of the file history for each Asserted Patent. The foregoing documents are included in the Bates range BBITV000001 - BBITV032925. In addition, source code pertinent to conception and reduction to practice is available for inspection by DISH per the terms of the Protective Order.

Dated: April 30, 2020

Respectfully submitted,

/s/ Jeremiah A. Armstrong

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 30, 2020, a copy of the foregoing was served via email to all counsel of record.

By: /s/ Jeremiah A. Armstrong

Jeremiah A. Armstrong