

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

XR COMMUNICATIONS, LLC, dba VIVATO  
TECHNOLOGIES,

Plaintiff,

v.

HP INC.,

Defendant.

Case No. 6:21-cv-694-ADA

**JURY TRIAL DEMANDED**

**PLAINTIFF XR COMMUNICATIONS, LLC'S PRELIMINARY DISCLOSURE OF  
ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

Plaintiff XR Communications, LLC, dba Vivato Technologies (“Vivato”) provides this Disclosure of Asserted Claims and Infringement Contentions to Defendant HP Inc. (“Defendant” or “HP”) in accordance with the Court’s Order Governing Proceedings. This disclosure is based on the information available to Vivato as of the date of this disclosure, and Vivato reserves the right to amend this disclosure to the full extent consistent with the Court’s Rules and Orders.

Discovery is at a very early stage. There have been no deposition testimony or discovery responses in this action related to technical matters. Vivato’s investigation regarding the asserted claims and infringement contentions in this disclosure is ongoing, and its investigation of other potential grounds of infringement is ongoing. This disclosure is based upon information that Vivato has been able to obtain publicly, together with Vivato’s current good faith beliefs and information regarding the Accused Products. This disclosure is provided without prejudice to Vivato’s right to supplement or amend its disclosure as additional facts are discovered, documents and source code are obtained, analyses are made, and research is completed.

Further, this disclosure is based upon Vivato’s present understanding of the meaning and scope of the claims of United States Patent Number 10,715,235 (the “235 Patent”) (the “Asserted Patent” or “Patent-in-Suit”) in the absence of claim construction proceedings in this action. Vivato reserves the right to supplement or amend these disclosures if its understanding of the claims changes, including when the Court construes them in this action.

## **I. Asserted Claims**

Vivato asserts direct infringement against Defendant under 35 U.S.C. § 271(a) and indirect infringement under 35 U.S.C. § 271(b). More specifically, Defendant has been and is now actively inducing direct infringement by other persons (*e.g.*, Defendant’s customers who use, sell or offer for sale the Accused Products) the following claims (collectively, “Asserted Claims”):

- U.S. Patent No. 10,715,235 (the “235 Patent”), Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 16.

## **II. Accused Products**

Vivato asserts that the Asserted Claims are infringed by various products used, made, sold, offered for sale, or imported into the United States by Defendant (“Accused Products”), including HP products supporting MIMO and/or MU-MIMO technologies, including without limitation the Envy Series, Envy x360 Series, Pavilion Series, Pavilion Gaming Series, Pavilion x360 Convertible Series, Spectre x360 Convertible Series, Omen Series, Chromebook x360 Series, Chromebook 11a Series, Chromebook 14b Series, Chromebook Clamshell Series, Chromebook x360 Series, ProBook Series, Elite DragonFly Series, Elite Folio Series, ZBook Series, Elite x2 Series, and EliteBook Series; Defendant’s Desktop computers, including all variations and configurations thereof, such as: Pavilion Gaming Series, All-in-One Series, Envy Series, Pavilion Series, OMEN Series, ProDesk Series, EliteOne Series, z2 Mini Workstation Series, ProOne Series, EliteDesk Series, Elite Slice Series, Chromebox Series, Z2 Small Form Factor Workstation Series, and Z2 Tower Workstation Series. Defendant’s Accused Products of which Vivato is presently aware are described in more detail in the accompanying preliminary infringement contention charts, Exhibit 1.

Vivato reserves the right to accused additional of Defendant’s products to the extent Vivato becomes aware of additional products during the discovery process. Unless otherwise stated, Vivato’s assertions of infringement apply to all variations, versions, and applications of each of the Accused Products, on information and belief, that different variations, versions, and applications of each of the Accused Products are substantially the same for purposes of infringement of the Asserted Claims.

### **III. Claim Charts**

A chart identifying specifically where each limitation of each asserted claim is found within each Accused Product is attached to this disclosure as Exhibit 1. Each limitation of each asserted claim in the attached charts is alleged to be literally infringed by each Accused Product. Where Vivato anticipates Defendant's arguments against literal infringement for certain limitations, Vivato has included disclosures in the charts alleging infringement under the doctrine of equivalents. To the extent Defendant contends that other limitations are not literally infringed, Vivato asserts that the limitation is infringed under the doctrine of equivalents.

### **IV. Priority Dates of the Asserted Patents**

Each asserted claim of the '235 Patent is entitled to a priority date at least as early as November 4, 2002.

### **V. Asserted Patents and File Histories**

The '235 Patent is being produced at XR-WDTX-00003728 - XR-WDTX-00003768.

The file history for the '235 Patent is being produced at XR-WDTX-00001647 - XR-WDTX-00002862.

Dated: December 20, 2021

Respectfully submitted,

*/s/ Reza Mirzaie*

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