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16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 GENTEX CORPORATION and INDIGO
19 TECHNOLOGIES, LLC,

20 Plaintiffs,

21 THALES VISIONIX, INC.,

22 Involuntary Plaintiff,

23 v.

24 META PLATFORMS, INC. and META
25 PLATFORMS TECHNOLOGIES, LLC,

26 Defendants.
27

Case No.: 22-cv-03892-YGR

**PLAINTIFFS' DISCLOSURE OF
27 ASSERTED CLAIMS AND
28 INFRINGEMENT CONTENTIONS
PURSUANT TO PATENT L.R. 3-1**

Case No. 22-cv-3892-YGR

**PLAINTIFFS' DISCLOSURE OF ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS**

1 Pursuant to Patent L.R. 3-1 and the Court’s Case Management and Pretrial Order (Dkt. No.
2 116), Plaintiffs Gentex Corporation and Indigo Technologies, LLC (collectively, “Gentex”) hereby
3 serve their Disclosure of Asserted Claims and Infringement Contentions.

4 These infringement contentions are preliminary. Defendants Meta Platforms, Inc. and Meta
5 Platforms Technologies, LLC (collectively, “Meta”) have not yet provided any information or
6 technical documents other than source code, and Gentex’s investigation is ongoing. The Court also
7 has not yet construed any of the asserted claims. Gentex specifically reserves its right to supplement
8 these disclosures—including by asserting additional claims, accusing different or additional
9 functionality, and accusing additional and/or different products—based on the Court’s claim
10 construction, pursuant to Patent Local Rule 3-6(a), or based on information obtained, including
11 through discovery, as the case progresses, pursuant to Patent Local Rule 3-6(c). Gentex also
12 reserves the right to amend its infringement contentions and asserted claims based on the concurrent
13 proceedings before the U.S. Patent & Trademark Office regarding the asserted patents.

14 As set forth in detail in Gentex’s Complaint and the Exhibits attached thereto (Dkt. No. 1),
15 Gentex alleges that Meta has infringed and continues to infringe, directly and indirectly, literally or
16 under the doctrine of equivalents, one or more claims of U.S. Patent Nos. 6,757,068 (the “’068
17 patent”), 7,301,648 (the “’648 patent”), 8,224,024 (the “’024 patent”), 6,922,632 (the “’632 patent”),
18 and 7,725,253 (the “’253 patent”) (collectively, the “Asserted Patents”).

19 **I. IDENTIFICATION OF ASSERTED CLAIMS (PATENT L.R. 3-1(A))**

20 Based upon presently known information, Gentex alleges that Meta has infringed and
21 continues to infringe the following claims (collectively, the “Asserted Claims”) of the Asserted
22 Patents both literally and under the doctrine of equivalents, in violation of 35 U.S.C. §§ 271(a), (b),
23 and (c):

- 24 • **’068 patent:** Claims 1-2, 4-5, 7-8, 11-12, 14-20, 23-33, 35, 41, 45-48, 50, 54, and 56-59
- 25 • **’648 patent:** Claims 1-5, 8-11, 16-18, 20-32, 35, 37-38, and 40-44
- 26 • **’024 patent:** Claim 1
- 27 • **’632 patent:** Claims 1-2, 5-8, 24-25, 28-29, 47, 50-53, and 59-61
- 28 • **’253 patent:** Claims 1-4, 6, and 7-9

1 **II. IDENTIFICATION OF ACCUSED INSTRUMENTALITIES (PATENT L.R. 3-1(B))**

2 Based upon presently known information, Gentex alleges that Meta has infringed and
3 continues to infringe the Asserted Patents by making, using, selling, offering to sell, and/or
4 importing its Oculus Rift S, Oculus Quest, Oculus Quest 2, and Meta Quest 2 products (collectively,
5 with their respective related instructions, systems, services, and software, the “Accused Products”).¹
6 For a table listing each claim separately, see *infra* Table 1.

7 **III. CLAIM CHARTS FOR THE ASSERTED PATENTS (PATENT L.R. 3-1(C)–(E))**

8 Gentex attaches as Exhibits 1-5 claim charts identifying the manner in which the Accused
9 Products infringe each element of the asserted claims. The charts further include, for each claim that
10 is alleged to have been indirectly infringed, an identification of any direct infringement and a
11 description of Meta’s actions that contribute to or are inducing that direct infringement based on
12 presently known information. The charts also include, for each claim that is alleged to have been
13 directly infringed based on joint acts of multiple parties, the role of each such party in the direct
14 infringement based on presently known information. The charts further specify which claim
15 elements are literally present in the Accused Products and which claim elements are present under
16 the doctrine of equivalents.

17 These claim charts are based on a reasonable investigation of information currently available
18 to Gentex. These infringement contentions are intended to serve a notice function, and do not
19 constitute an exhaustive explanation of all theories Gentex may present in this case. Gentex reserves
20 the right to amend, revise, alter, or otherwise modify these charts as this case progresses, including
21 to incorporate new information obtained during the course of discovery pursuant to Patent L.R. 3-
22 6(c).

23 **Exhibit 1** sets forth Gentex’s contentions concerning Meta’s direct and indirect infringement
24 of the Asserted Claims of the ’068 patent, including a chart setting forth where in the Accused

25 _____
26 ¹ Gentex understands that Meta will release a new product, Meta Quest Pro, on October 25, 2022.
27 See Meta, *Introducing Meta Quest Pro, an Advanced VR Device for Collaboration and Creation*,
28 Oculus Blog (Oct. 11, 2022), <https://www.oculus.com/blog/meta-quest-pro-price-release-date/>.
Once the Meta Quest Pro is released, Gentex reserves the right to update these contentions and
pleadings as appropriate.

1 Products each element of the claims is found, to the best of Gentex's current knowledge and
2 information.

3 **Exhibit 2** sets forth Gentex's contentions concerning Meta's direct and indirect infringement
4 of the Asserted Claims of the '648 patent, including a chart setting forth where in the Accused
5 Products each element of the claims is found, to the best of Gentex's current knowledge and
6 information.

7 **Exhibit 3** sets forth Gentex's contentions concerning Meta's direct and indirect infringement
8 of claim 1 of the '024 patent, including a chart setting forth where in the Accused Products each
9 element of the aforementioned claim is found, to the best of Gentex's current knowledge and
10 information.

11 **Exhibit 4** sets forth Gentex's contentions concerning Meta's direct and indirect infringement
12 of the Asserted Claims of the '632 patent, including a chart setting forth where in the Accused
13 Products each element of the claims is found, to the best of Gentex's current knowledge and
14 information.

15 **Exhibit 5** sets forth Gentex's contentions concerning Meta's direct and indirect infringement
16 of the Asserted Claims of the '253 patent, including a chart setting forth where in the Accused
17 Products each element of the claims is found, to the best of Gentex's current knowledge and
18 information.

19 The Court has not yet construed the Asserted Claims. Depending on any constructions by the
20 Court as to the Asserted Claims, and/or positions that Meta or its expert witness(es) may take
21 concerning claim interpretation, infringement, and/or validity issues, the charts in Exhibit 1–5 and
22 the disclosures referenced therein may be of greater or lesser relevance, and different disclosures
23 relating to the Accused Products may be implicated. Given this uncertainty, the charts may reflect
24 alternative applications of the claims to the Accused Products. Nothing stated herein shall be
25 construed as an admission or a waiver of any particular construction of any claim term.

1 **IV. THE PRIORITY DATE TO WHICH EACH ASSERTED CLAIM IS ENTITLED**
2 **(PATENT L.R. 3-1(F))**

3 Gentex contends that the Asserted Claims of the '068 patent are entitled to a priority date of
4 January 28, 2000, the date of the filing of Provisional Application No. 60/178,797, to which the '068
5 patent claims priority.

6 Gentex contends that the Asserted Claims of the '648 patent are entitled to a priority date of
7 January 28, 2000, the date of the filing of Provisional Application No. 60/178,797, to which the '648
8 patent claims priority.

9 Gentex contends that claim 1 of the '024 patent is entitled to a priority date no earlier than
10 July 14, 2005, or in the alternative, no later than the October 4, 2005 filing of Provisional
11 Application No. 60/723,648, to which the '024 patent claims priority.

12 Gentex contends that the Asserted Claims of the '632 patent are entitled to a priority date no
13 earlier than June 13, 2001, or in the alternative, no later than the August 9, 2002 filing of Provisional
14 Application No. 60/402,178, to which the '632 patent claims priority.

15 Gentex contends that the Asserted Claims of the '253 patent are entitled to a priority date no
16 earlier than June 13, 2001, or in the alternative, no later than the August 9, 2002 filing of Provisional
17 Application No. 60/402,178, to which the '253 patent claims priority.

18 Gentex's investigation is ongoing, and not all materials related to the conception and
19 reduction to practice of the Asserted Claims are in its possession. Gentex reserves the right to
20 amend its contentions regarding the priority dates of the Asserted Claims, including to identify and
21 establish earlier dates, based on information learned as the case progresses.

22 **V. GENTEX PRODUCTS THAT PRACTICE THE CLAIMED INVENTIONS (PATENT**
23 **L.R. 3-1(G))**

24 Gentex does not presently intend to rely on the assertion that its or its licensee's current
25 apparatus, product, device, process, method, act, or other instrumentality practices the claimed
26 invention. Gentex's investigation is ongoing, however, and not all materials related to the practice
27 of the claimed inventions are in its possession. In particular, Gentex is aware that, during the
28 approximately one year that Gentex owned Intersense, Inc., Intersense sold products marked as
practicing one or more of the Asserted Patents, including the IS-900 PCI, IS-900 VE Tracker, IS-900

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