

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

AX WIRELESS LLC,

Plaintiff,

v.

DELL INC., et al,

Defendant.

Case No. 2:22-cv-00277-JRG-RSP  
(LEAD CASE)

JURY TRIAL DEMANDED

AX WIRELESS LLC,

Plaintiff,

v.

HP INC.,

Defendant.

Case No. 2:22-cv-00279-JRG-RSP  
(MEMBER CASE)

JURY TRIAL DEMANDED

**AX WIRELESS  
DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS  
TO DELL**

Pursuant to Local Patent Rules 3-1 and 3-2, and the Court’s Scheduling Order (Dkt. 21), Plaintiff AX Wireless LLC (“AX Wireless”) hereby provides its disclosure of asserted claims and infringement contentions, including by reference the attachments hereto and accompanying document production against Defendants Dell Inc. and Dell Technologies Inc. (collectively, “Dell” or “Defendants”).

AX makes these disclosures based upon presently known and publicly available information.

AX Wireless has not completed its preparation of this matter for trial and has not received complete discovery from Defendants, particularly discovery of Defendants’ confidential, proprietary, or non-public information and documents that describe the accused instrumentalities, or discovery on Defendants’ past, discontinued, or other instrumentalities reasonably similar to the presently accused instrumentalities.

AX Wireless’s investigations are ongoing and discovery is not yet complete. AX Wireless reserves the right to amend or supplement its asserted claims and infringement contentions, including the identification of infringed claims and accused instrumentalities.

Additionally, AX Wireless reserves the right to amend and further supplement its infringement contentions as any additional instrumentalities come into existence or become known.

## **I. DISCLOSURES**

### **A. Asserted Claims**

Pursuant to P.R. 3-1(a), AX Wireless presently identifies the following Asserted Patents and Claims:

- (1) U.S. Patent No. 9,584,262 (“the ’262 Patent”); claims 1-4, 8-12, 16-17, 21-28 and 32.

- (2) U.S. Patent No. 9,614,566 (“the ’566 Patent”); claims 1-6, 10-16, 20-21, 25-36 and 40.
- (3) U.S. Patent No. 9,973,361 (“the ’361 Patent”); claims 1-3, 5, 7 and 8.
- (4) U.S. Patent No. 10,079,707 (“the ’707 Patent”); claims 1-3, 5, 7-11 and 13.
- (5) U.S. Patent No. 10,291,449 (“the ’449 Patent”); claims 1-3, 5, 7-11 and 13.
- (6) U.S. Patent No. 10,554,459 (“the ’459 Patent”); claims 1-3, 5, 7-11 and 13.
- (7) U.S. Patent No. 10,917,272 (“the ’272 Patent”); claims 1-3, 5, 7-9, 11-13, 15 and 17-19.
- (8) U.S. Patent No. 11,212,146 (“the ’146 Patent”); claims 1-10.

AX Wireless reserves the right to amend this list of Asserted Patents and Claims as additional information becomes available to it.

#### **B. Accused Instrumentalities**

Pursuant to P.R. 3-1(b), AX Wireless presently identifies the following accused instrumentalities that infringe the Asserted Claims: Dell products that are configured to provide, implement, embody and/or support Wi-Fi 6 Functionality, including but not limited to smartphones, personal computers (PCs) (e.g., desktops and laptops), printers, tablets, networking devices, Internet of things (“IoT”) devices, appliances, and other consumer and home electronics (“Accused Instrumentalities”).

Wi-Fi 6 Functionality refers to the technical functionalities as illustrated in, but not limited by, the 802.11ax standard promulgated by the Institute of Electrical and Electronics Engineers (IEEE) (“Wi-Fi 6 Standard”). The Wi-Fi 6 Standard is illustrative of one configuration of the technical specifications provided, implemented, embodied and/or supported by the Accused Instrumentalities, whether or not the Accused Instrumentalities are standard compliant.

Certain features and components of the Accused Instrumentalities are not publicly available and not determinable from simple inspection. During discovery, AX Wireless anticipates that Defendants will provide a definitive list of their Accused Instrumentalities and their components, configurations, and implementations. Presently, AX Wireless relies herein on publicly reported identification of the features and components of the Accused Instrumentalities.

For example, Defendants are members, contributors and/or participants of the Wi-Fi Alliance.<sup>1</sup> According to the Wi-Fi Alliance web-site:

Wi-Fi Alliance<sup>®</sup> is the worldwide network of companies that brings you Wi-Fi<sup>®</sup>, one of the world's most valued communications technologies. Our vision is to connect everyone and everything, everywhere.<sup>2</sup>

The Wi-Fi Alliance provides industry and/or standard certifications:

Wi-Fi CERTIFIED<sup>™</sup> is an internationally recognized seal of approval for products indicating that they have met industry-agreed standards for interoperability, security, and a range of application specific protocols.

Certification means that a product has been tested in a variety of ways to validate interoperability with other Wi-Fi CERTIFIED equipment operating in the same frequency band.<sup>3</sup>

The certifications provided by the Wi-Fi Alliance include “Wi-Fi CERTIFIED 6.”



According to the Wi-Fi Alliance web-site:

Wi-Fi CERTIFIED 6

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<sup>1</sup> <https://www.wi-fi.org/> and <https://www.wi-fi.org/membership/member-companies>.

<sup>2</sup> <https://www.wi-fi.org/who-we-are>.

<sup>3</sup> <https://www.wi-fi.org/certification>.

Wi-Fi CERTIFIED 6™, the industry certification program based on the IEEE 802.11ax standard, provides the capacity, efficiency, coverage, and performance required by users today in the most demanding Wi-Fi® environments. Emphasizing quality connectivity in locations with hundreds or thousands of connected devices such as stadiums and other public venues, as well as corporate networks utilizing time sensitive, high bandwidth applications, Wi-Fi CERTIFIED 6 networks ensure each connected device performs at an optimum level. Wi-Fi CERTIFIED 6 devices meet the highest standards for security and interoperability, and enable lower battery consumption, making it a solid choice for any environment, including the Internet of Things (IoT).

Key benefits of Wi-Fi CERTIFIED 6 technology include:

- Higher data rates
- Increased capacity
- Performance in environments with many connected devices
- Improved power efficiency

Wi-Fi CERTIFIED 6 provides the foundation for a host of current and emerging uses from streaming ultra high-definition movies, to mission-critical business applications requiring high bandwidth and low latency, to staying connected and productive while traversing large, congested networks in airports and train stations.

Wi-Fi 6E extends Wi-Fi CERTIFIED 6 into 6 GHz

Wi-Fi operation in the 6 GHz frequency band enables Wi-Fi to continue delivering positive experiences for the most bandwidth intensive applications. Wi-Fi 6E certification as part of Wi-Fi CERTIFIED 6 offers the features and capabilities of Wi-Fi 6, extended to the 6 GHz band. Several nations around the globe are making the 6 GHz band available for unlicensed use, and Wi-Fi CERTIFIED 6 provides worldwide interoperability certification for devices in these markets.<sup>4</sup>

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<sup>4</sup> <https://www.wi-fi.org/discover-wi-fi/wi-fi-certified-6>.

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