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""GZJ KDK"8"

- Vivid
- Wildfire
- Wildfire (CDMA)
- Wildfire CDMA
- Wildfire S
- Wildfire S (CDMA)
- Wildfire S (GSM)
- Wing / P4350 (Herald)
- xda II / MDA II
- FLYER
- JETSTREAM
- FLYER WI-FI
- EVO View 4G
- FLYER CDMA

AGIS reserves the right to amend this list of accused instrumentalities, as well as other information contained in this document and the exhibits hereto, to incorporate new information learned during the course of discovery, including, but not limited to, the inclusion of newly-released products or any other equivalent devices ascertained through discovery.

C. CLAIM CHARTS

Claim charts identifying a location of every element of every asserted claim of the patents-in-suit within HTC Accused Products are attached hereto as Exhibits A–D. AGIS believes that

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PLAINTIFF’S DISCLOSURE OF ASSERTED CLAIMS
AND INFRINGEMENT CONTENTIONS

the citations in the claim charts are representative of all HTC Accused Products. For example, where AGIS cites reference material or images representing a phone or tablet, that citation is representative for all other such phones or tablets including all prior and future versions unless otherwise noted. AGIS reserves the right to amend these claim charts as well as other information contained in this document and the exhibits hereto, to incorporate new information learned during the course of discovery, including, but not limited to, information that is not publically available or readily discernible without discovery. AGIS further reserves the right to amend these claim charts, as well as other information contained in this document and the exhibits attached hereto, pursuant to Patent Local Rules 3-1(g) and 3-6.

D. LITERAL INFRINGEMENT AND DOCTRINE OF EQUIVALENTS

AGIS asserts that, under the proper construction of the asserted claims and their claim terms, the limitations of the asserted claims of the patents-in-suit are literally present in the HTC Accused Products as set forth in the claim charts attached hereto as Exhibits A–D. AGIS contends that any and all elements found not to be literally infringed are infringed under the doctrine of equivalents because the differences between the claimed inventions and the accused instrumentalities, if any, are insubstantial.

AGIS contends that HTC directly infringes the asserted claims by making, using, offering for sale, selling, and importing in to the United States the accused instrumentalities as well as indirectly infringe by contributing to and/or inducing others (e.g., HTC customers or its HTC customers' customers) to directly infringe those claims by making, using, offering for sale or selling the HTC Accused Products. **AGIS contends that HTC directly infringes the asserted claims by testing the HTC Accused Products in the United States.** AGIS contends that HTC

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PLAINTIFF'S DISCLOSURE OF ASSERTED CLAIMS
AND INFRINGEMENT CONTENTIONS

infringes the asserted claims by contributing to and/or inducing Mobile Network Operators (MNOs) and/or jointly-and-directly infringing the asserted claims with MNOs by making, using, offering for sale, selling, and importing in to the United States the accused instrumentalities.

Pursuant to Patent Local Rule 3-6(a)(1), AGIS reserves the right to amend its Infringement Contentions as to literal infringement or infringement under the doctrine of equivalents, e.g., in light of the Court's claim construction.

E. PRIORITY DATES

Under P.R. 3-1(e), each of the asserted claims of the patents-in-suit are entitled to a priority date of at least as early as September 21, 2004. AGIS reserves the right to establish an earlier date of invention based upon actions related to conception and reduction to practice of the claimed inventions.

F. AGIS'S OWN PRODUCTS

At the present time, AGIS does not intend to rely on the assertion that its own apparatuses, products, devices, processes, methods, acts, or other instrumentalities practice the claimed inventions. AGIS reserves the right to amend this statement to identify covered products as discovery progresses.

II. PRODUCTION OF DOCUMENTS PURSUANT TO PATENT LOCAL RULE 3-2

AGIS is producing or making available for inspection documents that are in AGIS'S possession, custody or control as set forth in Patent Local Rule 3-2. An AGIS 3-2 Production Index identifying these documents is attached hereto.

This preliminary identification of documents is for convenience and is not an admission that each document falls within any exemplary categories in the Patent Local Rules, or that any

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