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

MYPAQ HOLDINGS LTD., Plaintiff, v. DELL TECHNOLOGIES INC. and DELL INC., Defendants.	CIVIL ACTION NO. 6:21-CV-00933-ADA JURY TRIAL DEMANDED

PLAINTIFF'S PRELIMINARY INFRINGEMENT CONTENTIONS

Pursuant to the Court's Standing Order Governing Proceedings—Patent Cases (the "Order"), Dkt. 15, Plaintiff MyPAQ Holdings Ltd. ("MyPAQ") hereby serves its Preliminary Infringement Contentions and disclosure of priority dates to Defendants Dell Technologies, Inc. and Dell Inc. (together, "Dell"). MyPAQ expressly reserves all objections related to their use for any purpose and does not waive any applicable privileges with respect to the information disclosed herein or document productions made pursuant to the Order.

MyPAQ makes this disclosure to the best of its present ability and without the benefit of fact discovery. MyPAQ's investigation is ongoing, and this disclosure is based on information reasonably available to MyPAQ as of this date. MyPAQ reserves the right to supplement or amend these disclosures, its contentions in this case, and its document production pursuant to these disclosures including to the full extent allowed by the Federal Rules of Civil Procedure, Local Rules, and this Court's orders. By making these disclosures, MyPAQ does not waive any applicable privilege, work product, or other protection, and reserves the right to object to the production or admissibility of any information provided herein.

I. PRELIMINARY INFRINGEMENT CONTENTIONS

The preliminary infringement contentions set forth herein, including without limitation the claim charts attached hereto as Exhibits 1–7 and supporting materials produced herewith as MYPAQ-DELL000001 to MYPAQ-DELL002056, which are fully incorporated by reference herein, identify, based on publicly available information, and upon information and belief, where each element of the Asserted Claims is found within the Accused Instrumentalities and/or the manufacturing processes thereof.

The documents, identification of Accused Instrumentalities, and other evidence cited in these charts are exemplary and not intended to be exhaustive. MyPAQ's identifications in these preliminary contentions, including, without limitation, its identifications of exemplary Accused Instrumentalities, the infringing features in the exemplary Accused Instrumentalities, and/or manufacturing processes used in the manufacture of the exemplary Accused Instrumentalities, the locations of the foregoing in the exemplary Accused Instrumentalities, and/or the theories of infringement, are based upon information known to MyPAQ at the time of these preliminary infringement contentions. MyPAQ reserves the right to supplement and/or amend these preliminary infringement contentions based on information not known to MyPAQ at the time of service of its preliminary infringement contentions and/or that is otherwise later discovered by MyPAQ after service of its preliminary infringement contentions, including, without limitation, supplementation and/or amendment of MyPAQ's contentions to identify, refine, modify, amend, and/or supplement the identified Accused Instrumentalities, locations of the infringing features in the Accused Instrumentalities or their manufacturing process, and/or theories of infringement provided herein.

MyPAQ further reserves the right to rely on additional evidence throughout subsequent proceedings in this case, whether or not such information is available to MyPAQ as of the date of this disclosure or is consistent with the documents and evidence cited in MyPAQ's preliminary

infringement contentions. These preliminary infringement contentions shall not limit MyPAQ's right to assert any position it deems appropriate at any later date as to infringement, validity, claim construction, or any other issue in this litigation. Nor shall they be deemed an admission or contention as to the scope or interpretation of any claim term.

MyPAQ contends that Dell infringes the following claims (the "Asserted Claims") of the following U.S. Patents (the "Asserted Patents"):

Patent	Claims
U.S. Patent 7,675,759	1, 2, 6, 11, 16
U.S. Patent 8,477,514	1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, 19, 20

Dell infringes the Asserted Claims of the Asserted Patents under 35 U.S.C. § 271(a) by making, using, offering to sell, and/or selling in the United States and/or importing into the United States power adapters that infringe one or more of the Asserted Patents. These devices (together, the "Accused Instrumentalities") include at least Dell's LA90PM170 (the "LA90"). The claim charts provided in Exhibits 1–7 detailing infringement by the LA90 also apply to and are exemplary of infringement by all other Dell products that share similar circuitry and functionality.

The Accused Instrumentalities infringe the Asserted Claims either literally and/or under the doctrine of equivalents. MyPAQ further contends that Dell infringes the Asserted Patents by (i) practicing the asserted method claims of the Asserted Patents in the United States, and/or (ii) making, using, offering to sell, and/or selling in the United States and/or importing into the United States the Accused Instrumentalities set forth above.

MyPAQ further contends that Dell infringes the Asserted Claims under 35 U.S.C. § 271(b) by actively and knowingly inducing, directing, causing, and/or encouraging others, including, but not limited to, their designers, manufacturers, suppliers, distributors, resellers, software developers, customers, end users, subscribers, and repair providers, to infringe the Asserted Patents by making,

using, selling, and/or offering to sell in the United States and/or importing into the United States, the Accused Instrumentalities set forth above. MyPAQ contends that Dell actively and knowingly induces infringement by others by, *inter alia*, providing the aforementioned direct infringers with (i) infringing functionality and/or devices and/or (ii) manuals and guides, technical documentation, technical support and assistance, advertisements and marketing.

Dell contributes to infringement of the Asserted Patents by providing the Accused Instrumentalities within the United States, knowing that the Accused Instrumentalities practice the claimed inventions, that they are especially made or adapted for use in infringing the Asserted Patents, and that they are not staple articles or commodities of commerce capable of substantial non-infringing use. Dell's infringement is further detailed in the Complaint (Dkt. 1), which is hereby incorporated by reference in its entirety.

MyPAQ reserves the right to supplement its position as to infringement following further discovery and/or claim construction, including new information or knowledge regarding the structure, function, operation, implementation, and/or process of manufacturing the Accused Instrumentalities.

These contentions are preliminary and are based on MyPAQ's research and investigation to date and materials in the public domain. Discovery has not yet commenced. Dell's preliminary invalidity contentions have not yet been served. Claim construction proceedings have not yet commenced. MyPAQ reserves the right to supplement or amend these contentions in light of discovery, invalidity contentions, alleged prior art, claim construction, and/or any other additional information provided by Dell.

II. DISCLOSURE OF PRIORITY DATES, DATES OF CONCEPTION, AND REDUCTION TO PRACTICE

MyPAQ provides the following disclosure regarding the priority dates and dates of conception/reduction to practice for the Asserted Claims of the Asserted Patents. MyPAQ reserves the right to amend this disclosure should new information and knowledge regarding the conception,

reduction to practice, and/or priority dates of the Asserted Claims of the Asserted Patents come to light during discovery. MyPAQ further intends to rely on testimony by the inventors, experts, and other witnesses deposed in this matter concerning conception, diligence, and reduction to practice of the Asserted Claims of the Asserted Patents, including testimony at any hearing or trial of this matter.

The priority dates of the '759 Patent are as follows:

- The '759 Patent was assigned U.S. patent application serial number 11/710,276 upon filing on February 23, 2007, and issued on March 9, 2010, as U.S. Patent No. 7,675,759.
- The '759 Patent is a continuation-in-part of application serial number 11/607,325, filed on December 1, 2006, which issued on March 9, 2010, as U.S. Patent No. 7,675,758.
- Based on information currently available to MyPAQ, the earliest priority date claimed by MyPAQ for the '759 Patent is at least December 1, 2006.

The priority dates of the '514 Patent are as follows:

- The '514 Patent was assigned U.S. patent application serial number 12/709,795 upon filing on February 22, 2010, and issued on July 2, 2013, as U.S. Patent No. 8,477,514.
- The '514 Patent is a continuation of U.S. patent application serial number 12/051,334, filed on March 19, 2008, which issued on February 23, 2010, as US Patent No. 7,667,986.
- The '334 application is a continuation-in-part of U.S. patent application serial number 11/710,276, filed on February 23, 2007, which issued on March 9, 2010, as U.S. Patent No. 7,675,759.

- The '759 Patent is a continuation-in-part of application serial number 11/607,325, filed on December 1, 2006, which issued on March 9, 2010, as U.S. Patent No. 7,675,758.
- Based on information currently available to MyPAQ, the earliest priority date claimed by MyPAQ for the '514 Patent is at least December 1, 2006.

These disclosures include an accompanying document production that includes copies of the certified file histories for the Asserted Patents. The accompanying production is subject to, and does not waive any of, the objections and reservations set forth herein. The Bates number range for the accompanying production is MYPAQ-DELL000001 to MYPAQ-DELL002056.

MyPAQ reserves its right to supplement this production to the extent discovery or its investigations reveal additional documents.

Dated: November 29, 2021

Respectfully submitted,

By: /s/ *Krisina J. Zuñiga*

Charles Ainsworth
State Bar No. 00783521
Robert Christopher Bunt
State Bar No. 00787165
PARKER, BUNT & AINSWORTH, P.C.
100 E. Ferguson, Suite 418
Tyler, Texas 75702
Tel: (903) 531-3535
charley@pbatyler.com
rcbunt@pbatyler.com

Alfonso G. Chan (Texas 24012408)
Michael W. Shore (Texas 18294915)
Samuel E. Joyner (Texas 24036865)
Halima Shukri Ndai (Texas 24105486)
SHORE CHAN LLP
901 Main Street, Suite 3300
Dallas, Texas 75202
Tel: (214) 593-9110
Fax: (214) 593-9111

achan@shorechan.com
mshore@shorechan.com
sjoyner@shorechan.com
hndai@shorechan.com

Brian D. Melton (Texas 24010620)
Krisina J. Zuñiga (Texas 24098664)
SUSMAN GODFREY LLP
1000 Louisiana Street, Suite 5100
Houston, Texas 77002
Tel: (713) 651-9366
Fax: (713) 654-6666
bmelton@susmangodfrey.com
kzuniga@susmangodfrey.com

Steven M. Shepard (New York 5291232)
SUSMAN GODFREY LLP
1301 Avenue of the Americas, 32nd Floor
New York, New York 10019
Tel: (212) 336-8330
Fax: (212) 336-8340
sshepard@susmangodfrey.com

COUNSEL FOR PLAINTIFF MYPAQ

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November 2021, a copy of the foregoing document was served via e-mail to the following individuals at the following e-mail addresses:

Kevin J. Meek (Texas 13899600)
Kevin.meek@bakerbotts.com
Paula D. Heyman (Texas 24027075)
Paula.heyman@bakerbotts.com
Mark Speegle (Texas 24117198)
Mark.speegle@bakerbotts.com
BAKER BOTTS L.L.P.
98 San Jacinto Boulevard, Suite 1500
Austin, Texas 78701-4078
Tel: (512) 322-2500
Fax: (512) 322-2501

/s/ *Krisina J. Zuñiga*
SUSMAN GODFREY LLP
Counsel for Plaintiff