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Wildseed Mobile LLC

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO DIVISION**

| | |
|---|---|
| WILDSEED MOBILE LLC,<br>*Plaintiff,*<br>v.<br>GOOGLE LLC and YOUTUBE, LLC,<br>*Defendants.* | Case No. 3:22-cv-04928-WHO<br><br>**PLAINTIFF WILDSEED MOBILE, LLC'S PATENT L.R. 3-1 DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS** |



Wildseed Mobile EX2002
Google v. Wildseed Mobile
IPR2023-00247

Plaintiff Wildseed Mobile LLC ("Wildseed") serves this Disclosure of Asserted Claims and Infringement Contentions ("Infringement Contentions") pursuant to Patent L.R. 3-1 and the Court's November 29, 2022 order (Dkt. 77) adopting the Parties proposed schedule (Dkt. 75) regarding infringement by Defendants Google LLC and YouTube, LLC (collectively "Defendants") of U.S. Patent Nos. 7,376,414 (the "'414 Patent"), 9,141,960 (the "'960 Patent"), 10,251,021 (the "'021 Patent"), 10,959,040 (the "'040 Patent"), and 10,869,169 (the "'169 Patent") (collectively, "the Asserted Patents").

Wildseed bases this Disclosure on its current knowledge, understanding, and belief as to the facts and information available as of the date of this Disclosure. Wildseed has not yet completed its investigation, collection of information, discovery, or analysis relating to this action, and additional discovery, including discovery from Defendants and third parties, may lead Wildseed to amend, revise, and/or supplement this Disclosure. Wildseed specifically reserves the right to amend, revise and/or supplement this Disclosure and/or accompanying exhibits in accordance with any Orders of record in this matter, and Federal Rule of Civil Procedure 26(e), as additional documents, source code, and information become available and as discovery and investigation proceed. Wildseed reserves the right to supplement, modify or amend this Disclosure to include additional products or services made, used, sold, or offered for sale in or imported into the United States by Defendants.

Wildseed reserves its right to supplement this Disclosure and exhibits based on decisions by the Court regarding claim construction. The information in this Disclosure is not an admission regarding the scope of any claims or the proper construction of those claims or any terms contained therein. Wildseed reserves the right to supplement its infringement contentions upon identification or receipt of additional documents, including documents from third parties. Wildseed further reserves the right to introduce and use such supplemental materials at trial.

## I. INFRINGEMENT CONTENTIONS

Wildseed's infringement contentions are attached hereto as Exhibits 1-8. At this stage, Wildseed provides charts for the following claims of the Asserted Patents:

- '414 Patent: 1-7, 9-14 (Exhibit 1)

- ’960 Patent: 1-8, 10-25 (Exhibit 2)
- ’021 Patent: 1, 2, 4-7, 9-14 (Exhibit 3)
- ’040 Patent: 1, 2, 4-7, 9-14, 16-20 (Exhibit 4)
- ’169 Patent: 1, 4, 5, 7, 9, 10, 13-15, 17-22 (Exhibits 5-8)

## II. IDENTIFICATION OF THE PRIORITY DATE FOR EACH CLAIM OF THE ASSERTED PATENTS

Based on currently available information, Wildseed identifies the earliest priority date (i.e., the earliest date of invention) for the asserted claims of the Assert Patents as follows:

- ’414 Patent: No later than May 11, 2001
- ’960 Patent: June 22, 2007
- ’021 Patent: June 22, 2007
- ’040 Patent: June 22, 2007
- ’169 Patent: May 11, 2001

Wildseed’s investigation relating to the conception and reduction to practice of the patented inventions is ongoing and it therefore reserve the right to supplement and/or modify this date as discovery in this case continues.

## III. DATES OF INFRINGEMENT AND DAMAGES

Based on currently available information, Wildseed identifies the following dates of first infringement, start of the claimed damages, and end of claimed damages for the Asserted Patents:

| Patent | Date of First Infringement | Start of Claimed Damages | End of Claimed Damages |
|---|---|---|---|
| ’414 Patent | May 20, 2008 | April 4, 2016 | Damages are ongoing |
| ’960 Patent | September 22, 2015 | April 4, 2016 | Damages are ongoing |
| ’021 Patent | April 2, 2019 | April 2, 2019 | Damages are ongoing |
| ’040 Patent | March 23, 2021 | March 23, 2021 | Damages are ongoing |
| ’169 Patent | December 15, 2020 | December 15, 2020 | Damages are ongoing |

Wildseed's investigation relating to Defendants' infringement and damages is ongoing and it therefore reserves the right to supplement and/or modify these dates as discovery in this case continues.

## IV. WILLFUL INFRINGEMENT

Defendants have been willfully infringing the Asserted Patents at least since November 30, 2021, when they received a letter from Wildseed informing them of the Asserted Patents and their infringement thereof. Defendants have been continuing to willfully infringe the Asserted Patents by refusing to take a license and continuing to make, use, test, sell, license, and/or offer for sale/license the Accused Products. instead of taking a license, Defendants have opted to make the business decision to "efficiently infringe" the Asserted Patents. Defendants never responded to Wildseed's November 30, 2021 letter. Since receiving the November 30, 2021 letter, Defendants have not made an offer to license Wildseed's patents or engaged in any licensing discussions with Wildseed. Defendants have not to Wildseed's knowledge made any effort to avoid infringement, such as designing around Wildseed's patents, or abated their infringement in any way.

## V. DOCUMENT PRODUCTION

Pursuant to Patent L.R. 3-2, Wildseed identifies the following categories of documents that it has produced.

| Category of Documents | Production Nos. |
|---|---|
| The file history for each Asserted Patent | WS00000001, WS00000366, WS00000709, WS00001045, WS00001451 |
| Documents evidencing Plaintiff's ownership of the Asserted Patents | WS00001751, WS00001754, WS00001799, WS00001829, WS00001842, WS00001854, WS00001859, WS00001873, WS00001881, WS00001886, WS00001891, WS00001894, WS00001899, WS00001913, WS00001921, |

| | |
|---|---|
| | WS00001926, WS00001931, WS00001936, WS00001941, WS00001946 |

Dated: January 3, 2023

*/s/ Robert F. Kramer*

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Wildseed Mobile LLC

## CERTIFICATE OF SERVICE

I, Adriana Cole, hereby declare:

I am over the age of eighteen years and not a party to this action. My business address is Kramer Day Alberti Lim Tonkovich & Belloli LLP, 577 Airport Blvd., Suite 250, Burlingame, CA 94010.

On January 3, 2023, I caused the foregoing document described as:

**PLAINTIFF'S WILDSEED MOBILE, LLC'S PATENT L.R. 3-1 DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

to be served via e-mail upon the following, at the addresses stated below, via the method of service indicated below:

**KEKER, VAN NEST & PETERS LLP**

| | | |
|---|---|---|
| David J. Silbert<br>Paven Malhotra<br>Anjali Srinivasan<br>Eric B. Hanson<br>William S. Hicks<br>Kristen E. Lovin<br>Morgan E. Sharma<br>Catherine C. Porto<br>**wildseed@keker.com**<br>633 Battery Street<br>San Francisco, CA 94111<br>Tel: 415-391-5400 | ☒<br>☐<br>☐ | E-mail<br>U.S. Mail<br>E-filing |

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*Attorneys for Defendants*
*Google LLC and YouTube, LLC*

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: January 3, 2022

/s/ *Adriana Cole*
Adriana Cole