

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DDC TECHNOLOGY, LLC,

Plaintiff,

v.

**EMERGE TECHNOLOGIES, INC. (dba
UTOPIA 360); STRUCTURAL
GRAPHICS, LLC (dba RED PAPER
PLANE); PYRITE VR LTD (dba
MAXBOX VR); HMD TECH SARL (dba
HOMIDO); LANDSBERG ORORA; and
GOOGLE LLC,**

Defendants.

Case No.: 3:22-cv-01263-B

**PLAINTIFF DDC TECHNOLOGY, LLC’S P.R. 3-1 AND P.R. 3-2
PATENT INITIAL DISCLOSURES**

Pursuant to Miscellaneous Order No. 62 ¶¶ 3-1 and 3-2 and the Scheduling Order (ECF 106), Plaintiff DDC Technology, LLC (“Plaintiff” or “DDC”), by and through its undersigned counsel, hereby makes its 3-1 Disclosure of Asserted Claims and Preliminary Infringement Contentions and 3-2 Document Production Accompanying Disclosure.

PRELIMINARY STATEMENT

Plaintiff makes these disclosures based upon its current knowledge, understanding, and belief as to the facts and information available as of the date below. Plaintiff will clarify, amend, supplement, or modify the information contained in these disclosures if and when Plaintiff obtains supplemental information, to the extent required by the Federal Rules of Civil Procedure and Miscellaneous Order No. 62. These disclosures are preliminary and Plaintiff reserves the right to correct, amend, or modify these disclosures as discovery continues. Specifically, Plaintiff reserves

the right to supplement these disclosures based on newly discovered evidence supporting infringement of the Asserted Claims by additional products not already detailed below.

3-1 DISCLOSURE OF ASSERTED CLAIMS AND PRELIMINARY INFRINGEMENT CONTENTIONS

(1) Each claim of each patent-in-suit that is allegedly infringed by each opposing party;

As presently advised, Plaintiff identifies Defendant Google LLC (“Defendant” or “Google”) as infringing the following claims of each patent-in-suit that is subject to the above-captioned action.

- **U.S. Patent No. 9,420,075 (“the ‘075 Patent”) (Exhibits 1 and 6 Claim Charts):**
 - Claim 4 (depending from Claims 1 and 3) (All Cardboard¹ and All Non-Cardboard² *except* Viotek Spectre VR Headset);
 - Claim 5 (depending from Claim 1) (All Cardboard and All Non-Cardboard *except* Merge Virtual Reality Headset);
 - Claim 7 (depending from Claims 1 and 6) (All Cardboard and All Non-Cardboard);
 - Claim 9 (depending from Claims 1, 6 and 8) (All Cardboard and All Non-Cardboard);
 - Claim 11 (depending from Claims 1, 6 and 10) (All Cardboard);
 - Claim 14 (depending from Claims 1 and 12) (All Cardboard);
 - Claim 18 (independent) (All Cardboard and All Non-Cardboard *except* Viotek Spectre VR Headset);
 - Claim 19 (depending from Claim 18) (All Cardboard); and
 - Claim 20 (independent) (All Cardboard).
- **U.S. Patent No. 9,811,184 (“the ‘184 Patent”) (Exhibits 2 and 7 Claim Charts):**
 - Claim 16 (depending from Claim 12) (All Cardboard and All Non-Cardboard); and
 - Claim 17 (depending from Claim 12) (All Cardboard and All Non-Cardboard).

¹ Cardboard Viewer Accused Instrumentalities are identified in Section (2) below.

² Non-Cardboard Viewer Accused Instrumentalities are identified in Section (2) below.

- **U.S. Patent No. 10,528,199 (“the ‘199 Patent”) (Exhibits 3 and 8 Claim Charts):**
 - Claim 6 (depending from Claims 1, 2 and 5) (All Cardboard and All Non-Cardboard *except* Mattel ViewMaster Virtual Reality Headset (Starter Pack));
 - Claim 20 (depending from Claim 1) (All Cardboard and All Non-Cardboard);
 - Claim 23 (depending from Claims 1 and 21) (All Cardboard and All Non-Cardboard); and
 - Claim 39 (depending from Claims 30 and 38) (All Cardboard and All Non-Cardboard *except* Mattel ViewMaster Virtual Reality Headset (Starter Pack)).
- **U.S. Patent No. 11,093,000 (“the ‘000 Patent”) (Exhibits 4 and 9 Claim Charts):**
 - Claim 3 (depending from Claim 1) (All Cardboard and All Non-Cardboard);
 - Claim 13 (depending from Claims 1 and 4) (All Cardboard and All Non-Cardboard);
 - Claim 20 (depending from Claims 1, 18 and 19) (All Cardboard and All Non-Cardboard);
 - Claim 21 (depending from Claims 1, 18 and 19) (All Cardboard and All Non-Cardboard);
 - Claim 31 (depending from Claims 1 and 30) (All Cardboard and All Non-Cardboard);
 - Claim 32 (depending from Claim 1) (All Cardboard and All Non-Cardboard); and
 - Claim 33 (depending from Claim 1) (All Cardboard and All Non-Cardboard).
- **U.S. Patent No. 11,093,001 (“the ‘001 Patent”) (Exhibits 5 and 10 Claim Charts):**
 - Claim 3 (depending from Claim 1) (All Cardboard and All Non-Cardboard);
 - Claim 5 (depending from Claims 1 and 4) (All Cardboard and All Non-Cardboard);
 - Claim 7 (depending from Claim 1) (All Cardboard and All Non-Cardboard);
 - Claim 11 (depending from Claim 1) (All Cardboard and All Non-Cardboard);
 - Claim 16 (depending from Claims 1 and 12) (All Cardboard and All Non-Cardboard);
 - Claim 20 (depending from Claims 1 and 19) (All Cardboard and All Non-Cardboard);
 - Claim 23 (depending from Claims 21 and 22) (All Cardboard and All Non-Cardboard *except* Mattel ViewMaster Virtual Reality Headset (Starter Pack));
 - Claim 26 (depending from Claims 21 and 25) (All Cardboard and All Non-Cardboard);
 - Claim 27 (depending from Claim 21) (All Cardboard); and
 - Claim 29 (depending from Claim 21) (All Cardboard and All Non-Cardboard).

Plaintiff reserves the right to identify additional claims of infringement to the extent necessary and appropriate after sufficient discovery.

As presently advised, Plaintiff’s claims for infringement, to the extent such infringement has or will occur, are based on 35 U.S.C. § 271(a).

Plaintiff reserves the right to assert additional claims under §§ 271(b) and (c) to the extent necessary and appropriate after sufficient discovery.

- (2) **Separately for each asserted claim, each accused apparatus, product, device, process, method, act, or other instrumentality (“accused instrumentality”) of each opposing party of which the party is aware. This identification must be as specific as possible. Each apparatus, product, device, or other instrumentality must be identified by name or model number, if known. Each process, method, or act must be identified by name, if known, or by any product, device, or apparatus that, when used, allegedly results in the practice of the claimed process, method, or act;**

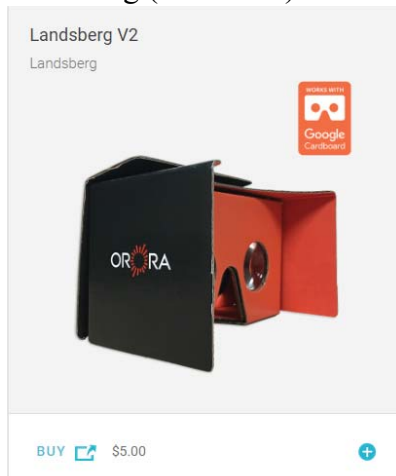
The following are the presently-known internal names for the Accused Instrumentalities. Each of these Accused Instrumentalities is accused of directly infringing the Asserted Claims of the Asserted Patents and DDC contends that Google has (a) directly infringed the Asserted Claims of the Asserted Patents for all Accused Instrumentalities that it manufactured, had manufactured, imported, offered for sale, sold, or used in the United States; and (b) indirectly infringed the Asserted Claims of the Asserted Patents by inducing the direct infringement by the Accused Instrumentalities that a third party manufactured, had manufactured, imported, offered for sale, sold, or used in the United States.

- **Cardboard Viewer Accused Instrumentalities (Exhibits 1-5 Claim Charts)**
 - Google V2 Cardboard Virtual Reality Headset (aka GCV2)



Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on Google's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

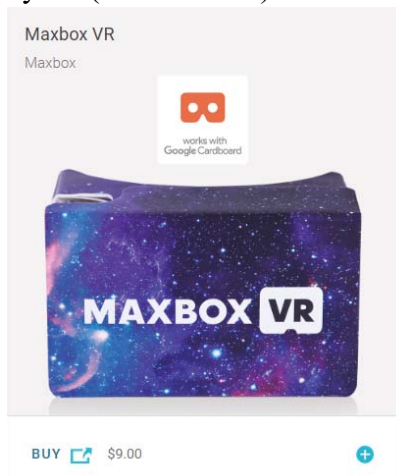
- Landsberg (aka Orora) V2 Cardboard Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Landsberg's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Pyrite (dba Maxbox) V2 Cardboard Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Pyrite's manufacture, having

manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Structural Graphics (dba Red Paper Plane) V2 Cardboard Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Structural Graphics's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Insignia (a Best Buy Brand) V2 Cardboard Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Insignia's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Case-Mate V2 Cardboard Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Case-Mate's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Goonex/QR Cardboard V2 Cardboard Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Goonex's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Hoonite Ltd V2 Cardboard Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Hoonite's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- I AM CARDBOARD V2 Cardboard Virtual Reality Viewer;

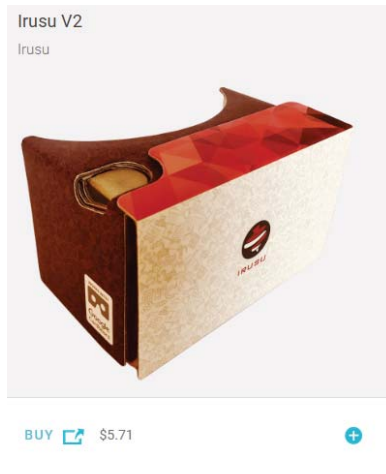


BUY  \$7.99

As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on I AM CARDBOARD's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

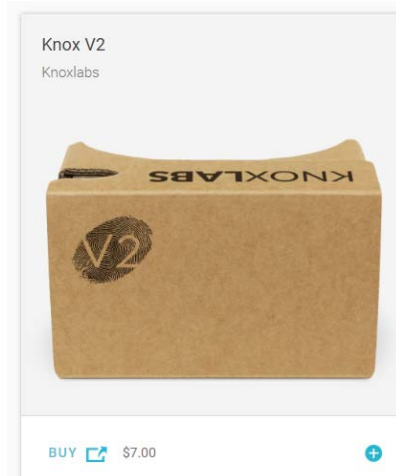
- Irusu V2 Cardboard Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Irusu's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Knoxlabs V2 Cardboard Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Knoxlabs's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Unofficial Cardboard UC 2.0 Cardboard Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Unofficial Cardboard's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Vusion V3 Cardboard Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Vusion's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Wow Stuff! Immersiverse V2 Cardboard Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Wow Stuff's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Yoheha Innovation Ltd. VR Yo! V2 Cardboard Virtual Reality Viewer; and



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Yoheha's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Zaak Two V2 Cardboard Virtual Reality Viewer.



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 1-5 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 1-5 based on Zaak's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- **Non-Cardboard Viewer Accused Instrumentalities (Exhibits 6-10 Claim Charts)**

- Emerge (dba Retrak) Utopia 360 Virtual Reality 3D Headset;



As presently advised, Google is alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on Emerge's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- HMD Tech SARL (dba Homido) Grab Virtual Reality Viewer;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 6-10 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on Homido's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Sanho Hyper ++ VR Virtual Reality Headset³;



As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on Sanho's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

³ The Virtual Reality Viewers distributed by Sanho, VR Empire, BoboVR, DPI, and DGL are all substantially identical.

- VR Empire Virtual Reality Headset⁴;



As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on VR Empire's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- BOBOVR Z4 Virtual Reality Headset⁵;



As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on BOBOVR's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

⁴ See Footnote 3.

⁵ See Footnote 3.

- DPI Products (dba iLive) Virtual Reality Glasses⁶;



As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on DPI's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- DGL Group Hype I-FX Virtual Reality Headset⁷;



As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on DGL's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

⁶ See Footnote 3.

⁷ See Footnote 3.

- Merge Virtual Reality Headset;



As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on Merge's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Mattel ViewMaster Deluxe VR Headset;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 6-10 based on at least Google's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on Mattel's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Mattel ViewMaster Virtual Reality Headset (Starter Pack);



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 6-10 based on at least Google's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on Mattel's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- Viotek Spectre VR Headset;



As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on Viotek's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- MerchSource (dba Sharper Image) Smartphone 360 Virtual Reality Headset;



As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on MerchSource’s manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

- I AM Cardboard DSCVR Virtual Reality Headset⁸;



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 6-10 based on at least Google’s sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on I AM CARDBOARD’s manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

⁸ Google first disclosed I AM Cardboard as a Works With Google Cardboard (“WWGC”) member on January 7, 2023. While the DSCVR Virtual Reality Headset is believed to infringe one or more of the asserted claims below, DDC has not yet obtained a physical version thereof and reserves the right to update these infringement contentions to include additional details of infringement.

- Powis Custom (aka 360 Fly) VR Headset⁹; and



BUY  \$29.99



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 6-10 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on Powis's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

⁹ Google first disclosed Powis as a WWGC member on January 7, 2023. While the Custom (aka 360 Fly) VR Headset is believed to infringe one or more of the asserted claims below, DDC has not yet obtained a physical version thereof and reserves the right to update these infringement contentions to include additional details of infringement.

- Handstands Virtual Reality Headset¹⁰.



As presently advised, Google is alleged to directly infringe the Asserted Claims set forth in Exhibits 6-10 based on at least Google's sale and/or offer for sale of these Accused Instrumentalities.

As presently advised, Google is further alleged to have induced infringement of the Asserted Claims set forth in Exhibits 6-10 based on Handstands's manufacture, having manufactured, importation, sale, offer for sale, and/or use of these Accused Instrumentalities.

As presently advised, each of the Cardboard Viewer Accused Instrumentalities operate in the same manner as the Google V2 Cardboard Virtual Reality Headset (aka GCV2) for purposes of infringement. As presently advised, each of the Non-Cardboard Viewer Accused Instrumentalities operate in the same, or substantially similar, manner for purposes of infringement. If Defendant contends that any of the identified Accused Instrumentalities operate in a different manner relevant to infringement, Plaintiff reserves the right to further detail the infringing operation of those Accused Instrumentalities to the extent necessary after sufficient discovery.

¹⁰ Google first disclosed Handstands as a WWGC member on January 7, 2023. While the Handstands Virtual Reality Headset is believed to infringe one or more of the asserted claims below, DDC has not yet obtained a physical version thereof and reserves the right to update these infringement contentions to include additional details of infringement.

Plaintiff further reserves the right to identify, and detail the infringing operation of, additional Accused Instrumentalities to the extent necessary and appropriate after sufficient discovery.

- (3) **A chart identifying specifically and in detail where each element of each asserted claim is found within each accused instrumentality, including for each element that such party contends is governed by 35 U.S.C. § 112(f), the identity of each structure, act, or material in the accused instrumentality that performs the claimed function;**

Plaintiff's charts detailing the infringement of the Asserted Claims of the Asserted Patents by the Cardboard Viewer Accused Instrumentalities are provided herewith as Exhibits 1-5. Plaintiff's charts detailing the infringement of the Asserted Claims of the Asserted Patents by the Non-Cardboard Viewer Accused Instrumentalities are provided herewith as Exhibits 6-10. See attached Exhibits 1-10.¹¹

Plaintiff does not contend that any of the claims are governed by 35 U.S.C. § 112(f) (formerly 35 U.S.C. § 112(6)). As stated above, Plaintiff presently believes that each of the Cardboard Viewer Accused Instrumentalities operate in the same manner as the Google V2 Cardboard Virtual Reality Headset (aka GCV2) for purposes of infringement. Accordingly, Plaintiff is providing claim charts for all Cardboard Viewer Accused Instrumentalities based on the Google V2 Cardboard Virtual Reality Headset (aka GCV2). If Defendant contends that any of the identified Accused Instrumentalities operate in a different manner relevant to infringement, Plaintiff reserves the right to further detail the infringing operation of those Accused Instrumentalities to the extent necessary after sufficient discovery.

¹¹ While Plaintiff contends that the Accused Instrumentalities infringe additional claims of the Asserted Patents, Plaintiff has agreed to Google's request that the parties limit the Asserted Claims and asserted prior art. Plaintiff reserves any rights it may have to raise additional claims of infringement regarding other claims of the Asserted Patents if necessary and appropriate.

Plaintiff further reserves the right to identify, and detail the infringing operation of, additional Accused Instrumentalities to the extent necessary and appropriate after sufficient discovery.

- (4) Whether each element of each asserted claim is claimed to be literally present or present under the doctrine of equivalents in the accused instrumentality;**

As presently advised, each asserted claim is alleged to be literally present in the Accused Instrumentalities. Plaintiff reserves the right to assert a claim under the doctrine of equivalents to the extent necessary and appropriate after sufficient discovery.

- (5) For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled; and**

As presently advised, all Asserted Claims are entitled to a priority date of July 16, 2014, the date of filing of the first provisional application to which the '075 Patent claims priority (Application No. 62/025,376), and to which the '184, '199, '000, and '001 Patents claim priority.

Plaintiff reserves the right to rely upon a different priority date to the extent necessary and appropriate after sufficient discovery.

- (6) If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party must identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim.**

Plaintiff wishes to preserve the right to rely on its own instrumentalities. Accordingly, as presently advised, Plaintiff identifies the DODOCASE Virtual Reality Kit Version 1.2 ("VR Kit 1.2") as an instrumentality that incorporated and reflected all of the Asserted Claims for the Asserted Patents but for the following:

- **U.S. Patent No. 9,420,075 (“the ‘075 Patent”):**
 - Claim 11
 - Claim 18
 - Claim 19
- **U.S. Patent No. 9,811,184 (“the ‘184 Patent”):**
 - Claim 16
 - Claim 17
- **U.S. Patent No. 10,528,199 (“the ‘199 Patent”):**
 - Claim 6
 - Claim 39
- **U.S. Patent No. 11,093,000 (“the ‘000 Patent”):**
 - Claim 32
- **U.S. Patent No. 11,093,001 (“the ‘001 Patent”):**
 - Claim 23
 - Claim 26
 - Claim 27
 - Claim 29

Plaintiff reserves the right to rely upon additional instrumentalities – including those of third parties – to the extent necessary and appropriate after sufficient discovery.

3-2 DOCUMENT PRODUCTION ACCOMPANYING DISCLOSURE

- (1) **Documents (e.g., contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third-party or joint-development agreements) sufficient to evidence any public use, offer for sale, sale, or other availability to the public of the claimed invention prior to the date of application for the patents-in-suit. A party's production of a document as required by this paragraph does not constitute an admission that the document evidences or is prior art under 35 U.S.C. § 102;**

Plaintiff states that there were no sales, offers for sale, or public uses of the claimed invention prior to the priority date of July 16, 2014.

To the extent that any of the Asserted Claims of the Asserted Patents are not afforded priority to July 16, 2014, Plaintiff identifies the following documents evidencing public use, offer for sale, sale, or other availability to the public of the claimed inventions prior to the filing of the second provisional application to which the Asserted Patents claim priority, Application No. 62/161,857, filed on May 14, 2015. Plaintiff disclosed documents evidencing public use, offer for sale, sale, or other availability to the public of the claimed invention prior to the date of application for the patents-in-suit during the various Patent Trial and Appeal Board ("PTAB") proceedings: IPR2018-00494 for Patent 9,420,075 (produced as DDC_003854-DDC_005800); PGR2018-00019 for Patent 9,723,117 (produced as DDC_005801-DDC_007978); and PGR2018-00020 for Patent 9,811,184 (produced as DDC_007979-DDC_010294). Specific documents from the PTAB proceedings are further identified below.

Bates Range	IPR2018-00494 9,420,075 Exhibit No.	Description
DDC_004631 (Native Video)	2001	DODOCASE Co-Founder Patrick Buckley speaking about the Future of Virtual Reality presentation at the Tech in Motion Silicon Valley event on Wednesday, August 20th (published on YouTube on Sept 24, 2014) at: https://www.youtube.com/watch?v=fkd7DYJ2eiU

Bates Range	IPR2018-00494 9,420,075 Exhibit No.	Description
DDC_004632 (Native Video)	2002	DODOCASE Virtual Reality Kit 1.2 Assembly Instruction Video, Mr. Patrick Buckley (published on October 8, 2014): https://www.youtube.com/watch?v=ze1528521Yw
DDC_004633- DDC_004634	2003	DODOCASE Virtual Reality Kit 1.2 Assembly Instructions
DDC_004635- DDC_004637	2004	DODOCASE Revenue and Traffic Report, 2014-09-17
DDC_004638- DDC_004641	2005	DODOCASE Virtual Reality Cardboard Toolkit, Internet Archive (September 17, 2014), https://web.archive.org/web/20140917191025/www.dodocase.com/products/google-cardboard-vr-goggle-toolkit
DDC_004642- DDC_004643	2006	DODOCASE Virtual Reality Cardboard Toolkit, Internet Archive (September 20, 2014), https://web.archive.org/web/20140920205946/http://www.dodocase.com:80/products/google-cardboard-vr-goggle-toolkit
DDC_004644- DDC_004652	2007	Affidavit of Mr. Christopher Butler
DDC_004653 (Native Video)	2008	Silicon Valley VR meetup 12 – DODOCASE (published on August 7, 2014): https://www.youtube.com/watch?v=234gwOcdxL4&feature=youtu.be
DDC_004654- DDC_004655	2009	Change video privacy settings - Computer - YouTube Help https://support.google.com/youtube/answer/157177?hl=en&co=GENIE.Platform=Desktop
DDC_004656- DDC_004658	2010	Internet Archive Wayback Machine entry for Petitioner's Exhibit 1007: Video File of Prince Aryajeet Ramteke (aka Tech#), "Use Google Cardboard Without Magnetometer (Enabling Magnetic Ring Support To Every Device)," https://www.youtube.com/watch?v=o_Pk_kipYto
DDC_004659- DDC_004683	2011	Youtube Official Blog, Broadcast Yourself YouTube A to Z #HappyBirthdayYouTube Thursday, May 28, 2015 https://youtube.googleblog.com/2015/05/youtube-to-z-happybirthdayyoutube.html
DDC_004684- DDC_004691	2012	First Declaration Patrick Buckley
DDC_004912- DDC_004914	2015	Declaration of Kevin Quat

Bates Range	IPR2018-00494 9,420,075 Exhibit No.	Description
DDC_004915- DDC_004917	2016	Declaration of Chris Cassin
DDC_004918- DDC_004919	2017	Kickstarter Projects backed by Chris Cassin, https://www.kickstarter.com/profile/backings?ref=user_menu (last visited December 7, 2018)
DDC_004920- DDC_004939	2018	Kickstarter – “DIY Virtual Reality for the Masses”, Created by Patrick Buckley, Funding Period November 17, 2014 to December 10, 2014 (22 days), https://www.kickstarter.com/projects/dodocase/diy-virtual-reality-open-source-future (last visited December 15, 2018)
DDC_004940- DDC_004950 DDC_004951	2019	Fictiv, “The Exciting Possibilities of DIY Virtual Reality”, December 8, 2014, https://www.fictiv.com/blog/posts/the-exciting-possibilities-of-diy-virtual-reality (last visited December 12, 2018) Fictiv PART 1 Fictiv PART 2
DDC_004952- DDC_004955 DDC_004956- DDC_004961	2020	Road to VR, “DODOcase Sells More Than 65,000 Cardboard VR Kits, Now Kickstarting New Version and Open-source VR Tools”, November 20, 2014, https://www.roadtovr.com/dodocase-cardboard-vr-kit-kickstarter-65000-sales-glam-vr-web-development/ (last visited December 12, 2018) RoadToVR PART 1 RoadToVR PART 2
DDC_004962- DDC_004971 DDC_004972- DDC_004976	2021	Amazon.com, “Virtual Reality Beginner’s Guide + Google Cardboard Inspired VR Viewer” by Patrick Buckley, Frederic Lardinois, DODOCase, ISBN 9781941393109, https://www.amazon.com/Virtual-Reality-Beginners-Cardboard-Inspired/dp/1941393101 (last visited December 12, 2018) AMAZON PART 1 AMAZON PART 2
DDC_004977- DDC_004986	2022	Photos of selected pages in “Virtual Reality Beginner’s Guide”, December 4, 2018
DDC_004987	2023	Kickstarter order by Chris Cassin
DDC_004988- DDC_004989	2024	Shipping label to Chris Cassin for Kickstarter “reward”

Bates Range	IPR2018-00494 9,420,075 Exhibit No.	Description
DDC_004990	2025	Google Analytics Ecommerce Overview Report for dodocase.com, September 17, 2014 to May 10, 2015
DDC_004991	2026	Google Analytics Product Coupon Report for dodocase.com, September 17, 2014 to May 10, 2015
DDC_004992	2027	Executed Signature page of contract between DODOCASE and Regan Arts
DDC_004993- DDC_005004	2028	Unsigned contract between DODOCASE and Regan Arts, including Exhibits referenced on signature page
DDC_005005- DDC_005006	2029	Acknowledgement of August 18, 2014 purchase order for 50,000 Version 1.2 Viewer kits ("REGAN ARTS SHIPPER")
DDC_005007- DDC_005008	2030	Acknowledgement of August 25, 2014 purchase order for 30,000 Version 1.2 Viewer kits
DDC_005009- DDC_005012	2031	Photos of DODOCASE booth at New York Comic Con 2014
DDC_005013- DDC_005016	2032	Photos of DODOCASE booth at Engadget Expand 2014
DDC_005017 (Native Video) DDC_005018 (Native Video)	2033	Video of KTVU Sunday Morning news story on DODOCASE VR Viewer, December 7, 2014, Internet TV News Archive, https://archive.org/details/KTVU_20141207_150000_Mornings_on_2/ (last visited December 13, 2018) KTVU PART 1 KTVU PART 2
DDC_005019	2034	Screenshot of December 3, 2014 Tweet by @DODOsays Twitter Account, https://twitter.com/DODOsays/status/540216945992155136 (last visited December 13, 2014)
DDC_005105 (Native Video) DDC_005106 (Native Video) DDC_005107 (Native Video) DDC_005108 (Native Video) DDC_005109 (Native Video)	2037	DODOCASE Co-Founder Patrick Buckley speaking about the Future of Virtual Reality presentation at the Tech in Motion Silicon Valley event on Wednesday, August 20th (published on YouTube on Sept 24, 2014) at: https://www.youtube.com/watch?v=fkd7DYJ2eiU

Bates Range	IPR2018-00494 9,420,075	Description
	Exhibit No.	
DDC_005110 (Native Video) DDC_005111 (Native Video) DDC_005112 (Native Video) DDC_005113 (Native Video) DDC_005114 (Native Video) DDC_005115 (Native Video) DDC_005116 (Native Video) DDC_005117 (Native Video) DDC_005118 (Native Video) DDC_005119 (Native Video) DDC_005120 (Native Video)	2038	DODOCASE Virtual Reality Kit 1.2 Assembly Instruction Video, Mr. Patrick Buckley (published on October 8, 2014): https://www.youtube.com/watch?v=ze1528521Yw
DDC_005121 (Native Video) DDC_005122 (Native Video) DDC_005123 (Native Video) DDC_005124 (Native Video) DDC_005125 (Native Video) DDC_005126 (Native Video) DDC_005127 (Native Video) DDC_005128 (Native Video) DDC_005129 (Native Video)	2039	Silicon Valley VR meetup 12 – DODOCASE (published on August 7, 2014): https://www.youtube.com/watch?v=234gwOcdxL4&feature=youtu.be

Bates Range	IPR2018-00494 9,420,075	Description
	Exhibit No.	
DDC_005130 (Native Video) DDC_005131 (Native Video) DDC_005132 (Native Video) DDC_005133 (Native Video) DDC_005134 (Native Video) DDC_005135 (Native Video) DDC_005136 (Native Video) DDC_005137 (Native Video) DDC_005138 (Native Video)	2040	DODOCASE and Cardboard VR with Patrick Buckley, San Francisco HTML5 Developer Group (SFHTML5) meetup, January 19, 2015, https://www.youtube.com/watch?v=LUo-9y7paqo (last visited December 15, 2018)
DDC_005139 (Native Video)	2041	Video from “DIY Virtual Reality for the Masses” Kickstarter campaign webpage (Ex. 2018) (last visited December 14, 2018)
DDC_005140- DDC_005143	2042	Declaration of Nathan Evans
DDC_005144- DDC_005164	2043	Second Declaration of Patrick Buckley
DDC_005165- DDC_005168	2044	Dodocase.com webpage with VR instructional videos, October 16, 2014, Internet Archive, https://web.archive.org/web/20141016180713/https://www.dodocase.com/pages/vrkit1 (last visited December 15, 2018)
DDC_005169- DDC_005171	2045	Internet TV News Archive, search results for “virtual reality cardboard”, https://archive.org/details/tv?q=virtual+reality+cardboard&sort=publicdate (last visited December 16, 2018)
DDC_005172- DDC_005173	2046	Internet TV News Archive, search results for “cardboard button”, https://archive.org/details/tv?q=cardboard%20button (last visited December 16, 2018)

Bates Range	IPR2018-00494 9,420,075	Description
	Exhibit No.	
DDC_005174- DDC_005177	2047	Internet TV News Archive, search results for “virtual reality smartphone”, https://archive.org/details/tv?q=virtual+reality+smartphone&sort=publicdate (last visited December 16, 2018)
DDC_005178- DDC_005181	2048	Internet TV News Archive, December 16, 2018 search results for “virtual reality”, https://archive.org/details/tv?q=virtual+reality&sort=-publicdate
DDC_005182- DDC_005188	2049	Meetup.com, Silicon Valley Virtual Reality Meetup #12, from Silicon Valley Virtual Reality (SVVR), https://www.meetup.com/SiliconValleyVirtualReality/events/192228222/ (last visited December 16, 2018)
DDC_005189- DDC_005200	2050	Meetup.com, Browser-Based Virtual Reality in HTML5, from SFHTML5, https://www.meetup.com/sfhtml5/events/206776382/ (last visited December 16, 2018)

Plaintiff reserves the right to supplement this response to the extent necessary and appropriate after sufficient discovery.

- (2) All documents evidencing the conception, reduction to practice, design, and development of each claimed invention, that were created on or before the date of application for the patents-in-suit or the priority date identified under paragraph 3-1(a)(5), whichever is earlier; and**

Plaintiff identifies the following documents, produced herewith: DDC_010345-
DDC_010360.

Plaintiff reserves the right to supplement this response to the extent necessary and appropriate after sufficient discovery.

- (3) A copy of the file history for each patent-in-suit.**

The file histories of the patents-in-suit were produced by Plaintiff on December 2, 2022, and are identified as follows:

U.S. Provisional Application No. 62/025,376 prosecution history (DDC_000001-DDC_000026, produced on December 2, 2022);

U.S. Provisional Application No. 62/161,857 prosecution history (DDC_000027-DDC_000078, produced on December 2, 2022);

U.S. Patent No. 9,420,075, Application Serial Number 14/801,606 prosecution history (DDC_000116-DDC_000554, produced on December 2, 2022);

U.S. Patent No. 9,723,117, Application Serial Number 15/209,397 prosecution history (DDC_000592-DDC_000841, produced on December 2, 2022);

U.S. Patent No. 9,811,184, Application Serial Number 15/448,785 prosecution history (DDC_000880-DDC_001055, produced on December 2, 2022);

U.S. Patent No. 10,528,199, Application Serial Number 15/726,079 prosecution history (DDC_001115-DDC_002358, produced on December 2, 2022);

U.S. Patent No. 11,093,000, Application Serial Number 16,723,769 prosecution history (DDC_002416-DDC_002791, produced on December 2, 2022);

U.S. Patent No. 11,093,001, Application Serial Number 17/214,074 prosecution history (DDC_002832-DDC_003034, produced on December 2, 2022);

U.S. Patent No. 11,449,099, Application Serial Number 17/383,006, and corresponding prosecution history (DDC_003035-DDC_003489);

U.S. Patent Application Serial Number 17/880,808, and corresponding prosecution history (DDC_003490-DDC_003853);

Patent Trial and Appeal Board *Inter Partes* Review IPR2018-00494 for Patent 9,420,075 prosecution history (DDC_003854-DDC_005800);

Patent Trial and Appeal Board Post-Grant Review PGR2018-00019 for Patent 9,723,117
prosecution history (DDC_005801-DDC_007978); and

Patent Trial and Appeal Board Post-Grant Review PGR2018-00020 for Patent 9,811,184
prosecution history (DDC_007979-DDC_010294).

Dated: January 9, 2023

Of Counsel:
Steven E. Aldous
State Bar: 00982100
FORSHEY PROSTOK LLP
500 Crescent Ct, Ste 240
Dallas, TX 75201
Email: saldous@forsheyprostok.com
Telephone: (214) 716-2101

Respectfully submitted,

/s/ Timothy J. Haller

Timothy J. Haller
3125265IL
HALLER LAW PLLC
230 E Delaware Pl, Ste 5E
Chicago, IL 60611
Email: haller@haller-iplaw.com
Telephone: (630) 336-4283

Gabriel I. Opatken (*Pro Hac Vice*)
NOBLE IP LLC
4151 W School St, Apt 2
Chicago, IL 60641
Email: gabriel@nobleipllc.com
Telephone: (773) 648-5433

***Attorneys for Plaintiff,
DDC Technology, LLC***

CERTIFICATE OF SERVICE

On January 9, 2023, I served the foregoing document upon counsel of record via email transmission as set forth below per agreement of the parties on November 21, 2022.

Mark Liang
Amy K. Liang
Darin Snyder
Luann L. Simmons
O'MELVENY & MYERS LLP
Two Embarcadero Ctr, 28th Fl
San Francisco, CA 94111
Email: mliang@omm.com
Email: aliang@omm.com
Email: dsnyder@omm.com
Email: lsimmons@omm.com
Telephone: (415) 984-8700

Andrew Bledsoe
O'MELVENY & MYERS LLP
610 Newport Center Dr, 17th Fl
Newport Beach, CA 92660
Email: abledsoe@omm.com
Telephone: (949) 823-6900

Frances Mackay
Kristin Cope
O'MELVENY & MYERS LLP
2501 N Harwood St, Ste 1700
Dallas, TX 75201
Email: fmackay@omm.com
Email: kcope@omm.com
Telephone: (972) 360-1900

***Attorneys for Defendant,
Google LLC***

/s/ Timothy J. Haller
***Attorney for Plaintiff,
DDC Technology, LLC***