

CONFIDENTIAL – ATTORNEYS’ EYES ONLY

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

SONRAI MEMORY LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:22-cv-00787-ADA

JURY TRIAL DEMANDED

**PLAINTIFF’S FIRST AMENDED PRELIMINARY DISCLOSURE OF ASSERTED
CLAIMS AND INFRINGEMENT CONTENTIONS TO DEFENDANT APPLE INC.**

Sonrai Memory Ltd. (“Plaintiff” or “Sonrai”) submits the following First Amended Preliminary Disclosure of Asserted Claims and Infringement Contentions to Defendant Apple Inc. (“Defendant” or “Apple”). This disclosure is based on the information available to Sonrai as of the date of this disclosure, and Sonrai reserves the right to amend this disclosure to the full extent consistent with the Court’s Rules and Orders.

I. Asserted Claims

Sonrai asserts that Apple has infringed and continues to infringe at least the following claims of Sonrai’s patents (collectively, the “Asserted Claims”):

A. U.S. Patent No. 6,874,014 (“the ’014 Patent”): Claims 1, 3, 5, 7, 11, 12, 13, and 15.

B. U.S. Patent No. 6,724,241 (“the ’241 Patent”): Claims 1, 2, 3, 6, 9, 10, 11, and 24.

Sonrai reserves the right to seek leave of court to add, delete, substitute, or otherwise amend this list of asserted claims should further discovery, the Court’s claim construction, or other circumstances so merit.

II. Accused Products

Sonrai contends that the Asserted Claims are infringed by the various apparatuses used, made, sold, offered for sale, or imported into the United States by Apple (the “Accused Products”). The Accused Products include at least the following, as well as products with reasonably similar functionality:

- **’014 Accused Products:**

- Apple products with Apple A8 – A16 series processors, and / or Apple S3-S8 processors and / or Apple M series processors, including without limitation iPhone products (6, 6 Plus, SE, 6s, 6s Plus, 7, 7 Plus, 8, 8 Plus, X, XR, XS, XS Max, 11, 11 Pro, 11 Pro Max, SE (second generation), 12, 12 mini, 12 Pro, 12 Pro Max, 13, 13 mini, 13 Pro, 13 Pro Max, SE (third generation), 14, 14 Plus, 14 Pro, 14 Pro Max), iPad products (iPad fifth generation and newer, iPad Mini fourth generation and newer, iPad Air second generation and newer, iPad Pro all generations), Watch products (Watch Series 3, Watch Series 4, Watch Series 5, Watch SE, Watch Series 6, Watch Series 7, Watch Series 8, Watch Ultra, and Watch SE (second generation)), MacBook products (MacBook Air (M1, 2020), MacBook Pro (13-inch, M1, 2020), M1 Pro MacBook Pro (14-inch and 16-inch, 2021), M1 Max MacBook Pro (14-inch and 16-inch, 2021), MacBook Air (M2, 2022), MacBook Pro (13-inch, M2, 2022)), and Mac products (Mac Mini (M1, 2020), Mac Studio (2022), M1 Ultra Mac Studio (2022), iMac (24-inch, M1, 2021)).
- Apple products with Apple’s T2 processor, including without limitation iMac (Retina 5K, 27-inch, 2020), iMac Pro, Mac Pro (2019), Mac Pro (Rack, 2019),

CONFIDENTIAL – ATTORNEYS’ EYES ONLY

Mac mini (2018), MacBook Air (Retina, 13-inch, 2020), MacBook Air (Retina, 13-inch, 2019), MacBook Air (Retina, 13-inch, 2018), MacBook Pro (13-inch, 2020, Two Thunderbolt 3 ports), MacBook Pro (13-inch, 2020, Four Thunderbolt 3 ports), MacBook Pro (16-inch, 2019), MacBook Pro (13-inch, 2019, Two Thunderbolt 3 ports), MacBook Pro (15-inch, 2019), MacBook Pro (13-inch, 2019, Four Thunderbolt 3 ports), MacBook Pro (15-inch, 2018), MacBook Pro (13-inch, 2018, Four Thunderbolt 3 ports).

- **’241 Accused Products:**

- Apple products with SK Hynix NAND Flash Chips, including but not limited to the 128L NAND Flash chips, the 176L NAND flash chips, and the SK Hynix NAND Flash chips bearing part numbers H23B1T82D7AEJ-BC, H23B2T83G7AEQ-BC, H23B4T84K7AEQ-BC, H23B8T85K7AFJ-BC, H23BFG8127AEJ-BC, H23BFG8127AEQ-BC, H23Q1586J6AEQ, H23Q1T83G6ADQ, H23Q1T83G6ADY, H23Q1T8QK1MYR-BC, H23Q1T8QK1MYS-BC, H23Q1T8QK2BYS-BC, H23Q1T8QK2MYS-BC, H23Q2T84K6AEQ, H23Q2T84K6AEY, H23Q2T8PG6MDS, H23Q2T8QK3MYS-BC, H23Q2T8QK6MES-BC, H23Q4T85K6AFJ, H23Q4T8QK6BEQ, H23Q4T8QK6MES, H23QDG8UD1ACR-BC, H23QDG8UD1ACS-BC, H23QEG8VG1ACR-BC, H23QEG8VG2ACS-BC, H23QFG82D6ADA, H23QFG82D6ADJ, H23QFG82D6ADQ, H23QFG82D6ADY, H23QFG8ND6ADS, H23QFG8ND6MDS-BC, H23QFG8PG1MCR-BC, H23QFG8PG1MCS-BC, H23QFG8YK1ACS-BC, H2JTDG8UD1BMR-BC, H2JTEG8VD1CMR-BC, H2JTEG8VD1CMS-BC,

CONFIDENTIAL – ATTORNEYS’ EYES ONLY

H2JTFG8PD1MMR-BC, H2JTIT8QD1MMR-BC, HN3G9BA1CAX177, HN3G9BA1CAX180, HN3G9BT1CAX392, HN3T0BA2CAX166R, HN3T0BA2CAX178R, HN3T0BT2CAX386, HN3T0BT2CAX393, HN3T1BA4CAX170, HN3T1BT4CAX388, HN3T1BT4CAX395, HN3T2BA8CAX169R, and HN3T3CA8CAX284R, including without limitation (i) Apple’s iPhone products, including but not limited to iPhone 6, iPhone 6 Plus, iPhone 6S, iPhone 6S Plus, iPhone 7, iPhone 7 Plus, iPhone 8, iPhone 8 Plus, iPhone X, iPhone XR, iPhone XS, iPhone XS Max, iPhone 11, iPhone 11 Pro, iPhone 11 Pro Max, iPhone SE (1st gen), iPhone SE (2nd gen) iPhone 12, iPhone 12 Mini, iPhone 12 Pro, iPhone 12 Pro Max, iPhone 13, iPhone 13 Mini, iPhone 13 Pro, iPhone 13 Pro Max, iPhone 14, iPhone 14 Plus, iPhone 14 Pro, iPhone 14 Pro Max, iPhone SE (3rd gen); (ii) Apple’s iPad products, including but not limited to iPad Air, iPad mini, and iPad Pro; and (iii) Apple’s desktop computing products, including but not limited to MacBook Pro and iMac.

Sonrai reserves the right to amend this list of Accused Products, 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, versions, or any other equivalent devices ascertained through discovery. Further, to the extent any accused infringing products have gone through or will go through name changes, but were or will be used or sold with the same accused features, earlier corresponding products under different names also are accused.

III. Claim Charts

Claim charts identifying a location of every element of every asserted claim of the asserted Sonrai Patents within accused products were previously attached to *Plaintiff’s Preliminary Disclosure of Asserted Claims and Infringement Contentions to Defendant Apple Inc.*, served on October 10, 2022, as Exhibits A-C. Sonrai’s analysis of the Accused Products is based on limited publicly available information and based on Sonrai’s own investigation prior to any discovery in this action. In an effort to focus the issues, Sonrai identifies exemplary evidence for each claim limitation. The evidence cited for a particular limitation should be considered in light of the additional evidence cited for the other claim limitations. Sonrai reserves the right to rely on evidence cited for any particular limitation of an asserted claim for any other limitation asserted for that claim. Unless otherwise indicated, the information provided that corresponds to each claim element is considered to indicate that each claim element is found within each of the different variations of each respective Accused Products described above.

These infringement contentions are prepared with public information and have not been prepared with the benefit of discovery. Sonrai reserves the right to amend these claim charts, as well as other information contained in this document and the exhibits hereto. Sonrai further reserves the right to amend these claim charts to incorporate new information learned during the course of discovery, including, but not limited to, information that is not publicly available or readily discernible without discovery or undue burden.

IV. Literal Infringement / Doctrine of Equivalents

Sonrai asserts that Apple infringes the Asserted Claims listed above under at least 35 U.S.C. § 271(a), (b), (c), and/or (f). Sonrai contends that Apple has directly infringed and continues to directly infringe the asserted claims by making, using, offering for sale, selling, and

CONFIDENTIAL – ATTORNEYS’ EYES ONLY

importing into the United States the Accused Products. Sonrai also contends that Apple (i) induces end users of the Accused Products to directly infringe the Asserted Claims and (ii) contributes to end users’ direct infringement of the Asserted Claims. Sonrai asserts that, under the proper construction of the Asserted Claims and their claim terms, the limitations of the asserted claims of the asserted Sonrai patents are literally present in the Accused Products, as set forth in the claim charts previously attached to *Plaintiff’s Preliminary Disclosure of Asserted Claims and Infringement Contentions to Defendant Apple Inc.* as Exhibits A-C. Sonrai 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 Products, if any, are insubstantial.

Sonrai’s contention is that each limitation is literally met, and necessarily also would be met under the doctrine of equivalents because there are no substantial differences between the Accused Products and the claims, in function, way, or result. If Apple attempts to argue that there is no infringement literally and also no infringement under doctrine of equivalents and attempts to draw any distinction between the claimed functionality and the functionality in the Accused Products, then Sonrai reserves its right to rebut the alleged distinction as a matter of literal infringement and/or as to whether any such distinction is substantial under the doctrine of equivalents.

Sonrai reserves the right to amend its Infringement Contentions as to literal infringement or infringement under the doctrine of equivalents in light of new information learned during the course of discovery and the Court’s claim construction.

V. Priority Dates

The Asserted Claims are entitled to a priority date of at least the following:

CONFIDENTIAL – ATTORNEYS’ EYES ONLY

A. U.S. Patent No. 6,874,014: Each asserted claim of the '014 Patent is entitled to at least a priority date of May 29, 2001.

B. U.S. Patent No. 6,724,241: Each asserted claim of the '241 Patent is entitled to at least a priority date of October 25, 2002.

VI. Identification of Instrumentalities Practicing the Claimed Inventions

At this time, Sonrai is not relying on any assertion that any of its own instrumentalities practice the claims of the Asserted Patents.

VII. Document Production Accompanying Disclosure

Sonrai submits the following Document Production Accompanying Disclosure, along with an identification of the categories to which each of the documents corresponds.

Sonrai is presently unaware of any documents sufficient to evidence any discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, the inventions recited in the Asserted Claims of the asserted patents prior to the application date or priority date for the asserted patents. A diligent search continues for documents and Sonrai reserves the right to supplement this response.

Sonrai is presently unaware of documents regarding the conception, reduction to practice, design, and development of each claimed invention of the asserted patents, which were created before the date of application for the asserted patent or the priority date identified above. A diligent search continues for documents and Sonrai reserves the right to supplement this response.

Sonrai identifies the following documents as being the file histories for the Asserted Patents: SONRAI-APPLE-WDTX_00003401 - SONRAI-APPLE-WDTX_00003733.

CONFIDENTIAL – ATTORNEYS’ EYES ONLY

Dated: January 20, 2023

Respectfully submitted,

By: /s/ Brett E. Cooper

Brett E. Cooper (NY SBN 4011011)

bcooper@bc-lawgroup.com

Seth Hasenour (TX SBN 24059910)

shasenour@bc-lawgroup.com

Drew B. Hollander (NY SBN 5378096)

dhollander@bc-lawgroup.com

BC LAW GROUP, P.C.

200 Madison Avenue, 24th Floor

New York, NY 10016

Phone: (516) 359-9968

***Attorneys for Plaintiff Sonrai Memory
Limited***

CERTIFICATE OF SERVICE

I certify that this document is being served upon counsel of record for Defendant via electronic service.

/s/ Drew B. Hollander

Drew B. Hollander