**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF TEXAS**
**MARSHALL DIVISION**

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|---|---|
| AX WIRELESS LLC,<br><br>Plaintiff,<br><br>v.<br><br>ACER INC.,<br><br>Defendant. | CIVIL ACTION NO. 2:23-cv-00041-JRG-RSP<br><br>**JURY TRIAL DEMANDED** |

**DEFENDANT ACER INC.'S INITIAL DISCLOSURES**
**PURSUANT TO PARAGRAPHS 1 AND 3 OF THE DISCOVERY ORDER**

Defendant Acer Inc. ("Acer") hereby submits the following disclosures pursuant to Paragraphs 1 and 3 of the Discovery Order entered in this Action (Dkt. No. 36). Acer submits these disclosures based upon information reasonably available to it at this time. Acer reserves all rights, consistent with Rule 26(e) of the Federal Rules of Civil Procedure, and this Court's rules and orders, to modify, amend, and/or supplement the disclosures made herein based on information obtained as a result of its continuing investigation and discovery.

These disclosures are not intended to, and do not, constitute admissions as to relevance or admissibility of the information disclosed, and are made without any waiver of attorney-client privilege, work-product protection, joint defense privilege, common interest privilege, and/or any other applicable privilege, protection, or immunity. Furthermore, Acer makes these disclosures without waiving in any manner the right to object on any basis permitted by law to any discovery request or proceeding involving or related to the subject matter of these disclosures.

Subject to these reservations, Acer discloses the following information pursuant to Paragraph 1 of the Discovery Order (Dkt. No. 36):



**AX Wireless, LLC**
**Exhibit AXW-2034**
**Intel v. AX Wireless**
**IPR2023-01146**
AXW-2034-001

**(a) The correct names of the parties to the lawsuit:**

Acer, Inc. is correctly named.

**(b) The name, address, and telephone number of any potential parties**:

Acer is presently unaware of any additional potential parties.

**(c) The legal theories and, in general, the factual bases of the disclosing party's claims or defenses (the disclosing party need not marshal all evidence that may be offered at trial):**

Acer contends that the accused products do not infringe the asserted patents, and that AX Wireless to date has presented insufficient evidence of infringement. Acer further contends that the asserted patent is invalid and will identify its invalidity theories in detail pursuant to this Court's Patent Rules. Acer will present further evidence of non-infringement and invalidity through the reports and testimony of its Expert Witnesses, which will be disclosed pursuant to the schedule set forth in the Docket Control Order.

**(d) The Name, Address, And Telephone Number of Persons Having Knowledge Of Relevant Facts, A Brief Statement Of Each Identified Person's Connection With The Case, And A Brief, Fair Summary Of The Substance Of The Information Known By Any Such Person:**

Acer incorporates by reference as if stated fully herein the individuals and persons listed in the disclosures of the Plaintiff, or parties to other related actions. In addition, Acer identifies the following individuals:

| Name and Contact Information | Contact Information | Summary of Information Possibly Known by Person |
|---|---|---|
| Sanjeev Kumar | Mr. Kumar is to be contacted solely through Acer's counsel of record. | Mr. Kumar is the ERP Manager of Information Technology at Acer America Corporation.<br><br>Mr. Kumar has knowledge regarding Acer Inc.'s sale to Acer America Corporation of one or more Acer products identified in Plaintiff's Complaint and Infringement Contentions. |

| Name and Contact Information | Contact Information | Summary of Information Possibly Known by Person |
|---|---|---|
| Richard Black | Mr. Black is to be contacted solely through Acer's counsel of record. | Richard Black is employed by Acer America Corporation<br><br>Mr. Black has knowledge regarding the marketing of the accused products in the United States. |
| Frank Yang | Mr. Yang is to be contacted solely through Acer's counsel of record. | Mr. Yang is employed in the Communication Technology Division at Acer, Inc. Mr. Yang has knowledge regarding the wireless communication operation of the accused Acer products. |
| Jennifer Chen | Ms. Chen is to be contacted solely through Acer's counsel of record. | Ms. Chen is employed in the Key Components Procurement Business Unit at Acer, Inc. Ms. Chen has knowledge regarding the procurement of Wi-Fi chips by Acer. |
| Intel Employees who designed or developed the accused Wi-Fi chips including at least the individuals identified in the Declaration of Shamaz Azizi submitted as an exhibit in support of Dell's motion to transfer in Civil Action No. 2:22-cv-00277-RWS-RSP. Document 104-2. | Not presently known | Design and development of the accused Intel Wi-Fi chips used in Acer's accused products. |

**(e) any indemnity and insuring agreement under which any person or entity carrying on an insurance business may be liable to satisfy part or all of a judgment entered in this action or to indemnify or reimburse for payments made to satisfy the judgment:**

Acer is unaware of any such agreement.

**(f) any settlement agreement relevant to the subject matter of this action**:

Acer is unaware of any such settlement agreement.

**(g) any statement of any party to the litigation**:

Acer is unaware of any such statement at the present time.

**Disclosures Pursuant to Paragraph 3 of the Discovery Order**.

**(a) provide the document productions required by the Patent Rules for the Eastern District of Texas**:

Acer will produce the relevant documents on the dates provided in the Docket Control Order in this action.

**(b) produce or permit inspection of documents**

Acer does not design or develop the Wi-Fi functionality accused of infringement in this action. Rather that functionality is developed by Acer's suppliers who design, and manufacture Wi-Fi chips and Acer does not possess technical information or source code for these products. Acer is collecting and will produce technical documents for the Accused Products, which will be produced on a rolling basis.

**(c) provide a complete computation of damages claimed by any party to this action and produce or permit the inspection of documents or other evidentiary material on which such computation is based, including materials bearing on the nature and extent of injuries suffered, except that the disclosure of the computation of damages may be deferred until the time for Expert Disclosures if a party will rely on a damages expert:**

Acer does not claim any damages in this action, beyond a declaration that this case is exceptional under 35 U.S.C. § 285; and an award of Acer's costs and attorney's fees in connection with this action. Acer does not yet know the amount of fees it will seek. Acer intends to rely on an expert witness to respond to AX Wireless's damages theories and will provide its disclosures in this regard at the time provided by the Docket Control Order.

Dated: October 19, 2023

Respectfully submitted,

By: */s/Craig Kaufman*

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## CERTIFICATE OF SERVICE

I hereby certify that counsel of record are being served with a copy of this document via electronic mail on October 19, 2023.

*/s/David Meckstroth*
David Meckstroth