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

ORCKIT CORPORATION, Plaintiff, v. CISCO SYSTEMS, INC., Defendant.	Civil Action No. 2:22-cv-276

PLAINTIFF ORCKIT CORPORATION'S DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS

Pursuant to Local Patent Rules 3-1 and 3-2, Plaintiff Orckit Corporation ("Orckit") hereby provides its disclosure of asserted claims and infringement contentions. Orckit's infringement contentions are based on an analysis of publicly available documents that describe or discuss aspects of the accused devices that Cisco Systems, Inc., (hereinafter, "Defendant") makes, sells, offers to sell, uses, and/or imports into the United States that practice U.S. Patent Nos. 6,680,904 ("the '904 Patent"), 7,545,740 ("the '740 Patent"), 8,830,821 ("the '821 Patent"), and 10,652,111 ("the '111 Patent") (collectively, "the Asserted Patents") without a license from Orckit. Defendant also at least induces third parties to make, use, sell and/or import said accused devices in or to the United States without a license from Orckit.

Defendant has not yet provided Orckit with a list of its products, let alone any internal diagrams, schematics, technical specifications, or source code about them or other pertinent documents related to the design, manufacture, operation, or use of the accused infringing devices. This type of information is not publicly available, and thus, Orckit's infringement contentions are limited to accused devices that it presently believes infringe the claims of the

Asserted Patents. Orckit expects that information of this nature will be revealed in future discovery, and that such information may result in identification of additional instances of infringement, as well as additional claims infringed by Defendant.

Furthermore, it is possible that information to be provided in discovery could be inconsistent with public information regarding the accused devices, necessitating amendment of Orckit's infringement contentions. Orckit, therefore, reserves the right to amend and/or supplement these initial disclosures based on information discovered and developed in the course of this action.

I. Infringement of the Asserted Patents

In accordance with Local Patent R. 3-1(a) and 3-1(b), based on the public information presently available to Orckit, the accused devices referenced below infringe at least the claims indicated on the following chart:

Patent Claims Infringed Directly and Indirectly	Accused Devices
'904 Patent – 1-26	*See* Exhibit A
'740 Patent – 1-31	*See* Exhibit A
'821 Patent – 1-20	*See* Exhibit A
'111 Patent – 1-9, 12-24, 27-31	*See* Exhibit A

The accused devices encompass the model numbers listed in the attached exhibits as well as models identified under different model numbers, but which are otherwise identical to or have immaterial differences from the listed accused device. The accused devices further

encompass models that are equivalent to those listed but were sold or otherwise identified under a different brand name or model number than the one identified in the exhibit.

Pursuant to Local Patent R. 3-1(b), 3-1(c), and 3-1(d), Orckit is providing concurrently herewith its preliminary infringement claim charts, including further identification of each claim that is infringed by each accused instrumentality and each claim which may be infringed under the doctrine of equivalents. These are contained in Exhibits B-E, which set out where each element of each asserted claim is found within each Accused Instrumentality, including each model or model number listed in Exhibit A within each series set out therein. Defendant has not yet provided any non-infringement contentions or otherwise identified any elements of the claims that it asserts are not satisfied by the accused devices. To the extent that, in the future, any differences are alleged to exist between the above-identified claims and the accused devices, such differences are expected to be insubstantial. Should the court find any of the claim elements not satisfied literally, the accused devices would still be infringed under the doctrine of equivalents.

Orckit makes these preliminary disclosures based upon publicly available documents and information, and without the benefit of any formal discovery in this action. Additional claims and infringement charts may become applicable as information regarding the accused devices is acquired through the discovery process or otherwise. Orckit reserves the right to augment, supplement, amend or revise its infringement contentions and charted information as discovery and this action progresses.

Furthermore, pursuant to Local Patent R. 3-1(e), the identified claims of the ’904 Patent claim priority to the ’904 Patent’s United States filing date of December 27, 1999. The identified claims are entitled to priority no later than this date.

Pursuant to Local Patent R. 3-1(e), the identified claims of the '740 Patent claim priority to the '740 Patent's United States filing date of April 7, 2006. The identified claims are entitled to priority no later than this date.

Pursuant to Local Patent R. 3-1(e), the identified claims of the '821 Patent claim priority to provisional application No. 61/499,943, which was filed in the United States on June 22, 2011. The identified claims are entitled to priority no later than this date.

Finally, pursuant to Local Patent R. 3-1(e), the identified claims of the '111 Patent claim priority to provisional application No. 61/982,358, which was filed in the United States on April 22, 2014. The identified claims are entitled to priority no later than this date.

II. Production Numbers

Orckit identifies its accompanying document production below.

Category of Documents	Production Range
Local Patent R. 3-1(f)	Plaintiff Orckit Corporation has never made any products.
Local Patent R. 3-2(a)	As of the date of this disclosure, Orckit has not located any documents that would fall into this category.
Local Patent R. 3-2(b)	As of the date of this disclosure, Orckit has not located any documents that would fall into this category.
Local Patent R. 3-2(c)	Copies of the Asserted Patents' file histories and patents are being produced concurrently herewith at: ORCK_EDTX_00000001 to ORCK_EDTX_00001197.

Orckit makes these preliminary disclosures without the benefit of any discovery in this action and reserves the right to amend its identification of claims based on additional information obtained through discovery or otherwise.

Dated: November 3, 2022

Respectfully submitted,

/s/ Michael Ng

Michael Ng
California State Bar No. 237915 (Lead Attorney)
Daniel A. Zaheer
California State Bar No. 237118
Gabriela M. Ruiz
California State Bar No. 227110
michael.ng@kobrekim.com
daniel.zaheer@kobrekim.com
michael.rosen@kobrekim.com
gabriela.ruiz@kobrekim.com
KOBRE & KIM LLP
150 California Street, 19th Floor
San Francisco, CA 94111
Telephone: 415-582-4800
Facsimile: 415-582-4811

Attorneys for Plaintiff
ORCKIT CORPORATION

T. John Ward, Jr.
Texas State Bar No. 00794818
E-mail: jw@wsfirm.com
Andrea L. Fair
Texas State Bar No. 24078488
E-mail: andrea@wsfirm.com
WARD, SMITH & HILL, PLLC
1507 Bill Owens Parkway
Longview, Texas 75604
Telephone: (903) 757-6400
Facsimile: (903) 757-2323

Attorneys for Plaintiff
ORCKIT CORPORATION