UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS

PROXENSE, LLC, *Plaintiffs*, v. Microsoft Corporation, *Defendants*.	Civil Action No. 6:23-cv-00319-ADA

PLAINTIFF'S PRELIMINARY INFRINGMENT CONTENTIONS

Pursuant to this Court's Standing Order Governing Proceedings in Patent Cases, Plaintiff Proxense, LLC ("Proxense" or "Plaintiff"), hereby provides its final infringement contentions concerning Defendant Microsoft Corp., ("Microsoft", or "Defendant").

Proxense hereby certifies that it undertook reasonable efforts to prepare its preliminary infringement contentions and reserves the right to amend them based on material identified after the invalidity contentions are served and during discovery.

These infringement contentions are based on Plaintiff's current knowledge, understanding, and belief as to the facts and information available to it as of the date of these disclosures. Proxense has not yet completed its investigation, collection of information, discovery, or analysis related to this action. The evidence cited in support of the disclosures herein is necessarily exemplary and is therefore illustrative and not exhaustive. For example, Proxense anticipates that relevant facts and evidence are uniquely within the possession, custody, or control of Defendants. As such, Proxense reserves the right to supplement, amend, or modify the information contained herein and to use and introduce at trial such information and any subsequently-identified or discovered information.

These final infringement contentions are based at least in part upon Proxense's present understanding of U.S. Patent No. 8,352,730 (the "730 patent"), U.S. Patent No. 8,886,954 (the "954 Patent"), U.S. Patent No. 9,298,905 (the "905 patent"), U.S. Patent No. 8,646,042 (the "042 Patent"), U.S. Patent No. 9,679,289 (the "289 Patent"), U.S. Patent No. 10,073,960 (the "960 Patent") and the accused products in the absence of discovery. The 730, 954, 905, 042, 289, and 960 Patents are collectively referred to herein as the "Proxense Patents" or the "Patents-in-Suit."

Proxense reserves the right to amend its infringement contentions and asserted claims based on information Proxense obtains through discovery and otherwise as this case progresses. Proxense further reserves the right to amend its final infringement contentions and asserted claims based on any proceedings before the United States Patent and Trademark Office regarding the Proxense Patents.

I. IDENTIFICATION OF INFRINGED CLAIMS

The asserted claims of the Patents-in-Suit are as follows:

	Claims
730 Patent	1-3, 5, 15-17
954 Patent	1-3, 5-7
905 Patent	1-2, 15
042 Patent	1
289 Patent	14, 16
960 Patent	14, 16

Proxense identifies these asserted claims based on its current, preliminary understanding and reserves the right to supplement and/or change its identification as discovery proceeds, including identifying additional claims and withdrawing claims.

II. IDENTIFICATION OF ACCUSED PRODUCTS, SYSTEMS, METHODS ANDSERVICES

Based on the information currently available, Proxense identifies the following accused products, systems, and methods, including all reasonably similar products, systems, methods, and their variants for each of the Patents-in-Suit.

Hereafter, the term "Accused Instrumentalities" or "Accused Products" refers to the products listed below, Microsoft's Universal Passwordless Architecture, which includes (a) the Microsoft Authenticator app and/or Windows Hello, (b) Microsoft Certified/Compatible FIDO2 Security Keys and/or Windows 10/11, which includes the Cloud Authentication Provider (CloudAP) and Web Account Manager (WAM), (c) Edge and Chrome browser support and (d) Microsoft Identity (a.k.a., Azure Active Directory and Microsoft Entra).

Microsoft was aware of the patents in suit and had every opportunity to determine whether and when its products were infringing the Patents-in-Suit.

III. CHARTS SETTING FORTH WHERE IN THE ACCUSED PRODUCT(S) EACH ELEMENT OF THE ASSERTED CLAIM(S) ARE FOUND

Subject to ongoing discovery and investigation, Proxense provides claim charts pertaining to the Patents-in-Suit attached hereto as Exhibit A for the 730 patent, Exhibit B for the 905 patent, Exhibit C for the 989 patent, Exhibit D for the 042 patent, Exhibit E for the 289 patent, and Exhibit F for the 960 patent. These infringement contentions serve a notice function and are not required to—and therefore do not—present every possible permutation or theory of Proxense's case.

IV. LITERAL INFRINGEMENT AND INFRINGEMENT UNDER THE DOCTRINEOF EQUIVALENTS

Proxense contends that Microsoft's products/services literally infringe the asserted claims of the Patents-in-Suit as more specifically explained in the attached claim charts. Proxense reserves the right to assert infringement under the doctrine of equivalents to the extent

that the difference between any component of any product or system, and any step of any service, method, and/or claim element is insubstantial.

V. PRIORITY DATES AND ALL DOCUMENTS EVIDENCING CONCEPTION ANDREDUCTION TO PRACTICE FOR EACH CLAIMED INVENTION

The 730 patent matured from application number 11/314,199 ("the 199 application"), which was filed on December 20, 2005. The 905 application claims priority from provisional patent application 60/637,538 which was filed on December 20, 2004. Documents evidencing conception and/or reduction to practice for the claimed inventions of the 730 patent are being collected and will be produced shortly.

The 954 patent matured from application number 13/710,109 ("the 109 application"), which was filed on December 10, 2012. The 905 application claims priority from provisional patent application 60/637,538 which was filed on December 20, 2004. Documents evidencing conception and/or reduction to practice for the claimed inventions of the 954 patent are being collected and will be produced shortly.

The 905 patent matured from application number 14/521,982 ("the 982 application"), which was filed on October 23, 2014. The 982 application claims priority from provisional patent application 60/637,538 which was filed on December 20, 2004. Documents evidencing conception and/or reduction to practice for the claimed inventions of the 905 patent are being collected and will be produced shortly.

The 042 patent matured from application number 13/445,825 ("the 825 application"), which was filed on April 12, 2012. The 825 application claims priority from provisional patent application 60/992,953 which was filed on December 6, 2007. Documents evidencing conception and/or reduction to practice for the claimed inventions of the 042 patent are being collected and will be produced shortly.

The 289 patent matured from application number 14/961,645 ("the 645 application"), which was filed on December 7, 2015. The 645 application claims priority from provisional patent application 60/992,953 which was filed on December 6, 2007. Documents evidencing conception and/or reduction to practice for the claimed inventions of the 289 patent are being collected and will be produced shortly.

The 960 patent matured from application number 15/595,739 ("the 739 application"), which was filed on May 15, 2017. The 739 application claims priority from provisional patent application 60/992,953 which was filed on December 6, 2007. Documents evidencing conception and/or reduction to practice for the claimed inventions of the 960 patent are being collected and will be produced shortly.

VI. A COPY OF THE FILE HISTORY FOR EACH PATENT IN SUIT

A copy of the file history for each of the Patents-in-Suit is submitted herewith. The file history of the 730 patent bears production numbers PROX_MSFT_000001-PROX_MSFT_000805. The file history of the 954 patent bears production numbers PROX_MSFT_000806-PROX_MSFT_001392. The file history of the 905 patent bears production numbers PROX_MSFT_001393-PROX_MSFT_001936. The file history of the 042 patent bears production numbers PROX_MSFT_001937-PROX_MSFT_002433. The file history of the 289 patent bears production numbers PROX_MSFT_002434-PROX_MSFT_002616. The file history of the 960 patent bears production numbers PROX_MSFT_002617-PROX_MSFT_002818.

Dated: July 24, 2023

Respectfully submitted,

/s/ David L. Hecht

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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2023, the foregoing was served on counsel for Defendant Microsoft Corp.

/s/ David L. Hecht
David L. Hecht