

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LITL LLC,

Plaintiff,

v.

HP INC.,

Defendant.

Civil Action No.: 23-120-RGA

JURY TRIAL DEMANDED

MICROSOFT CORPORATION,

Intervenor-Plaintiff,

v.

LITL LLC,

Intervenor-Defendant.

**MICROSOFT CORPORATION’S RESPONSE TO
COUNTERCLAIMS IN HP INC. ACTION**

Pursuant to Rule 24(c) of the Federal Rules of Civil Procedure, Intervenor-Plaintiff and Counterclaim Defendant in Intervention Microsoft Corporation (“Microsoft”) responds to counterclaims in Intervenor-Defendant and Counterclaim Plaintiff in Intervention LiTL LLC’s (“LiTL”) action against HP, Inc. (“HP”):

RESPONSE TO COUNTERCLAIMS

Except as specifically admitted herein, Microsoft denies each and every allegation of LiTL’s Counterclaims. To the extent that any allegations of the Counterclaims refer or rely upon information not previously supplied to Microsoft, Microsoft is without sufficient information to admit or deny such allegations, and therefore denies the same. Any factual allegation admitted below is admitted only as to the specific facts and not as to any purported conclusions,

characterizations, implications, or speculations that might follow from the admitted facts. In responding to the Counterclaims, Microsoft understands Accused Microsoft Products to mean the products expressly accused of infringement in the counterclaims.

Microsoft reserves the right to amend or supplement its Answer, to take further positions, and to raise additional defenses based on additional facts or developments that become available or arise during discovery in this action.

The numbered paragraphs herein correspond to and respond to the numbered paragraphs set forth in the Counterclaims. The first, non-numbered paragraph of the Counterclaims contains an introductory paragraph to which no responsive pleading is required. To the extent a response is deemed necessary, Microsoft denies that it has committed patent infringement and further denies that LiTL is entitled to any relief from Microsoft.

NATURE OF THE ACTION

1. Microsoft admits that LiTL's complaint alleges patent infringement under 35 U.S.C. § 1, et seq. Microsoft denies all of LiTL's allegations of infringement and denies that LiTL is entitled to any relief from Microsoft.

2. Denied.

3. Microsoft admits that LiTL's Counterclaims seeks monetary damages and injunctive relief. To the extent this paragraph contains legal conclusions, no answer is required. Microsoft denies the remaining allegations of paragraph 3.

THE PARTIES

4. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them.

5. Admitted.

JURISDICTION AND VENUE

6. Microsoft admits that LiTL's Counterclaims allege patent infringement under Title 35 of the United States Code. Microsoft admits this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a). Microsoft denies that it infringes any of the Asserted Patents

7. Microsoft admits that this Court has personal jurisdiction over Microsoft for purposes of this action. Microsoft denies the remaining allegations of paragraph 7.

8. Admitted.

FACTUAL BACKGROUND

LiTL's Patented Technologies

9. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them.

10. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them.

11. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them.

12. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them.

13. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them.

14. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them.

15. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them.

16. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them.

LiTL's Asserted Patents

17. Microsoft admits that LiTL asserts eight patents against Microsoft in its Counterclaims. Microsoft denies the remaining allegations of paragraph 17.

18. Microsoft admits that Exhibit A purports to be a copy of the '688 patent, and that LiTL purports to be the owner by assignment of the '688 patent. Microsoft admits that the '688 patent is titled "Portable computer with multiple display configurations" and that, on its face, it issued on October 16, 2012. Microsoft denies the remaining allegations of paragraph 18.

19. Microsoft admits that Exhibit B purports to be a copy of the '844 patent, and that LiTL purports to be the owner by assignment of the '844 patent. Microsoft admits that the '844 patent is titled "Portable computer with multiple display configurations" and that, on its face, it issued on January 7, 2014. Microsoft denies the remaining allegations of paragraph 19.

20. Microsoft admits that Exhibit C purports to be a copy of the '229 patent, and that LiTL purports to be the owner by assignment of the '229 patent. Microsoft admits that the '229 patent is titled "Portable computer with multiple display configurations" and that, on its face, it issued on February 7, 2017. Microsoft denies the remaining allegations of paragraph 20.

21. Microsoft admits that Exhibit D purports to be a copy of the '154 patent and that LiTL purports to be the owner by assignment of the '154 patent. Microsoft admits that on its face, the '154 patent is titled "Portable computer with multiple display configurations" and that, on its face, it issued on May 14, 2019. Microsoft denies the remaining allegations of paragraph 21.

22. Microsoft admits that Exhibit E purports to be a copy of the '315 patent, and that LiTL purports to be the owner by assignment of the '315 patent. Microsoft admits that the '315

patent is titled “Portable computer with multiple display configurations” and that, on its face, it issued on April 7, 2015. Microsoft denies the remaining allegations of paragraph 22.

23. Microsoft admits that Exhibit F purports to be a copy of the ’715 patent, and that LiTL purports to be the owner by assignment of the ’715 patent. Microsoft admits the ’715 patent is titled “System and method for streamlining user interaction with electronic content” and that, on its face, it issued on January 30, 2018. Microsoft denies the remaining allegations of paragraph 23.

24. Microsoft admits that Exhibit G purports to be a copy of the ’818 patent and that LiTL purports to be the owner by assignment of the ’818 patent. Microsoft admits the ’818 patent is titled “System and method for streamlining user interaction with electronic content” and that, on its face, it issued on February 18, 2020. Microsoft denies the remaining allegations of paragraph 24.

25. Microsoft admits that Exhibit H purports to be a copy of the ’888 patent, and that LiTL purports to be the owner by assignment of the ’888 patent. Microsoft admits the ’888 patent is titled “Method and apparatus for managing digital media content” and that, on its face, it issued on December 17, 2013. Microsoft denies the remaining allegations of paragraph 25.

Microsoft’s Alleged Knowledge of LiTL’s Asserted Patents and Microsoft’s Alleged Infringement

26. Microsoft admits that in May 2021 it was aware that LiTL had asserted certain of the Asserted Patents against Lenovo.

27. Microsoft admits that a conversation took place between a LiTL executive and an Assistant General Counsel for Microsoft. Microsoft denies the remaining allegations of paragraph 27.

28. Microsoft admits that it received a letter from LiTL on May 10, 2021 that listed the '154 patent, '315 patent, '715 patent, '818 patent, and '888 patent. Microsoft denies the remaining allegations of paragraph 28.

**Microsoft's Alleged Incorporation of LiTL's Patented Technologies
Into Microsoft's Surface Devices**

29. To the extent this paragraph contains any factual allegations requiring a response, Microsoft denies them.

30. Microsoft admits that it received claim charts from LiTL in 2021. Microsoft denies the remaining allegations of paragraph 30.

31. Microsoft admits that it maintains or has maintained certain websites, which speak for themselves. To the extent this paragraph contains additional factual allegations, Microsoft denies them.

32. Denied.

33. Microsoft admits that it maintains or has maintained certain websites, which speak for themselves. Microsoft denies the remaining allegations of paragraph 33.

34. Denied.

35. Microsoft admits that the Accused Microsoft Products are sold and offered for sale on Microsoft's website. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and on that basis denies them.

Microsoft's Alleged Inducement of HP's Alleged Direct Infringement

36. Microsoft admits that it provides the Windows operating system to HP to be pre-installed on the Accused HP Products. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph, and on that basis denies them.

37. Microsoft admits that it has been aware of LiTL's Complaint against HP since April 2023. Microsoft denies the remaining allegations of paragraph 37.

38. Denied.

39. Microsoft denies that it has made use of LiTL's patented technologies. Microsoft denies that it infringes any of the Asserted Patents. To the extent this paragraph contains additional factual allegations, Microsoft denies them.

COUNT I

(Alleged Induced Infringement of U.S. Patent No. 8,289,688)

40. Microsoft incorporates by reference its response to each of the foregoing paragraphs as if fully set forth herein.

Microsoft's Alleged Induced Infringement Involving the Accused HP Products

41. Microsoft admits that it has been aware of LiTL's Complaint against HP since April 2023. Microsoft denies the remaining allegations of paragraph 41.

42. Denied.

Microsoft's Alleged Willful Infringement

43. Denied.

44. Denied.

LiTL's Injury Due to Microsoft's Alleged Induced Infringement

45. To the extent this paragraph contains factual allegations, Microsoft denies them. Microsoft denies that it infringes, or induces infringement of, any of the Asserted Patents.

46. Denied.

47. Denied.

COUNT II

(Alleged Induced Infringement of U.S. Patent No. 8,624,844)

48. Microsoft incorporates by reference its response to each of the foregoing paragraphs as if fully set forth herein.

Microsoft's Alleged Induced Infringement Involving the Accused HP Products

49. Microsoft admits that it has been aware of LiTL's Complaint against HP since April 2023. Microsoft denies the remaining allegations of paragraph 49.

50. Denied.

Microsoft's Alleged Willful Infringement

51. Denied.

52. Denied.

LiTL's Alleged Injury Due to Microsoft's Alleged Induced Infringement

53. To the extent this paragraph contains factual allegations, Microsoft denies them. Microsoft denies that it infringes, or induces infringement of, any of the Asserted Patents.

54. Denied.

55. Denied.

COUNT III

(Alleged Induced Infringement of U.S. Patent No. 9,563,229)

56. Microsoft incorporates by reference its response to each of the foregoing paragraphs as if fully set forth herein.

Microsoft's Alleged Induced Infringement Involving the Accused HP Products

57. Microsoft admits that it has been aware of LiTL's Complaint against HP since April 2023. Microsoft denies the remaining allegations of paragraph 57.

58. Denied.

Microsoft's Alleged Willful Infringement

59. Denied.

60. Denied.

LiTL's Injury Due to Microsoft's Alleged Induced Infringement

61. To the extent this paragraph contains factual allegations, Microsoft denies them.

Microsoft denies that it infringes, or induces infringement of, any of the Asserted Patents.

62. Denied.

63. Denied.

COUNT IV

(Alleged Infringement of U.S. Patent No. 10,289,154)

64. Microsoft incorporates by reference its response to each of the foregoing paragraphs as if fully set forth herein.

Microsoft's Alleged Direct Infringement Involving the Microsoft Accused Products

65. Denied.

66. Denied.

67. Denied.

68. Denied.

69. Denied.

70. Denied.

71. Denied.

Microsoft's Alleged Induced Infringement Involving the Accused Microsoft Products

72. Microsoft admits that it was aware of the '154 patent in May 2021.

73. Denied.

74. Denied.

75. Denied.

Microsoft's Alleged Induced Infringement Involving the Accused HP Products

76. Microsoft admits that it has been aware of LiTL's Complaint against HP since April 2023. Microsoft denies the remaining allegations of paragraph 76.

77. Denied.

Microsoft's Alleged Contributory Infringement

78. Denied.

79. Denied.

80. Denied.

81. Denied.

82. Microsoft admits that it was aware of the '154 patent in May 2021.

83. Denied.

Microsoft's Alleged Willful Infringement

84. Microsoft admits that it received claim charts from LiTL in May 2021. Microsoft denies the remaining allegations of paragraph 84.

85. Denied.

86. Denied.

87. Denied.

LiTL's Injury Due to Microsoft's Alleged Infringement

88. To the extent this paragraph contains factual allegations, Microsoft denies them. Microsoft denies that it infringes any of the Asserted Patents.

89. Denied.

90. Denied.

91. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them. To the extent this paragraph contains legal conclusions, no answer is required.

COUNT V

(Alleged Infringement of U.S. Patent No. 9,003,315)

92. Microsoft incorporates by reference its response to each of the foregoing paragraphs as if fully set forth herein.

Microsoft's Alleged Direct Infringement Involving the Microsoft Accused Products

93. Denied.

94. Denied.

95. Denied.

96. Denied.

97. Denied.

98. Denied.

99. Denied.

100. Denied.

101. Denied.

102. Denied.

Microsoft's Alleged Induced Infringement Involving the Accused Microsoft Products

103. Microsoft admits that it was aware of the '315 patent in May 2021.

104. Denied.

105. Denied.

106. Denied.

Microsoft's Alleged Induced Infringement Involving the Accused HP Products

107. Microsoft admits that it has been aware of LiTL's Complaint against HP since April 2023. Microsoft denies the remaining allegations of paragraph 107.

108. Denied.

Microsoft's Alleged Contributory Infringement

109. Denied.

110. Denied.

111. Denied.

112. Denied.

113. Microsoft admits that it was aware of the '315 patent in May 2021.

114. Denied.

Microsoft's Alleged Willful Infringement

115. Microsoft admits that it received claim charts from LiTL in May 2021. Microsoft denies the remaining allegations of paragraph 115.

116. Denied.

117. Denied.

118. Denied.

LiTL's Injury Due to Microsoft's Alleged Infringement

119. To the extent this paragraph contains factual allegations, Microsoft denies them. Microsoft denies that it infringes any of the Asserted Patents.

120. Denied.

121. Denied.

122. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them. To the extent this paragraph contains legal conclusions, no answer is required.

COUNT VI

(Alleged Infringement of U.S. Patent No. 9,880,715)

123. Microsoft incorporates by reference its response to each of the foregoing paragraphs as if fully set forth herein.

Microsoft's Alleged Direct Infringement Involving the Microsoft Accused Products

124. Denied.

125. Denied.

126. Denied.

127. Denied.

128. Denied.

129. Denied.

130. Denied.

131. Denied.

Microsoft's Alleged Induced Infringement Involving the Accused Microsoft Products

132. Microsoft admits that it was aware of the '715 patent in May 2021.

133. Denied.

134. Denied.

135. Denied.

Microsoft's Alleged Induced Infringement Involving the Accused HP Products

136. Microsoft admits that it has been aware of LiTL's Complaint against HP since April 2023. Microsoft denies the remaining allegations of paragraph 136.

137. Denied.

Microsoft's Alleged Contributory Infringement

138. Denied.

139. Denied.

140. Denied.

141. Denied.

142. Microsoft admits that it was aware of the '715 patent in May 2021.

143. Denied.

Microsoft's Alleged Willful Infringement

144. Microsoft admits that it received claim charts from LiTL in May 2021. Microsoft denies the remaining allegations of paragraph 144.

145. Denied.

146. Denied.

147. Denied.

LiTL's Injury Due to Microsoft's Alleged Infringement

148. To the extent this paragraph contains factual allegations, Microsoft denies them. Microsoft denies that it infringes any of the Asserted Patents.

149. Denied.

150. Denied.

151. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them. To the extent this paragraph contains legal conclusions, no answer is required.

COUNT VII

(Alleged Infringement of U.S. Patent No. 10,564,818)

152. Microsoft incorporates by reference its response to each of the foregoing paragraphs as if fully set forth herein.

Microsoft's Alleged Direct Infringement Involving the Microsoft Accused Products

153. Denied.

154. Denied.

155. Denied.

156. Denied.

Microsoft's Alleged Induced Infringement Involving the Accused Microsoft Products

157. Microsoft admits that it was aware of the '818 patent in May 2021.

158. Denied.

159. Denied.

160. Denied.

Microsoft's Alleged Induced Infringement Involving the Accused HP Products

161. Microsoft admits that it has been aware of LiTL's Complaint against HP since April 2023. Microsoft denies the remaining allegations of paragraph 161.

162. Denied.

Microsoft's Alleged Contributory Infringement

163. Denied.

164. Denied.

165. Denied.

166. Denied.

167. Microsoft admits that it was aware of the '818 patent in May 2021.

168. Denied.

Microsoft's Alleged Willful Infringement

169. Microsoft admits that it received claim charts from LiTL in May 2021. Microsoft denies the remaining allegations of paragraph 169.

170. Denied.

171. Denied.

172. Denied.

LiTL's Injury Due to Microsoft's Alleged Infringement

173. To the extent this paragraph contains factual allegations, Microsoft denies them. Microsoft denies that it infringes any of the Asserted Patents.

174. Denied.

175. Denied.

176. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them. To the extent this paragraph contains legal conclusions, no answer is required.

COUNT VIII

(Alleged Infringement of U.S. Patent No. 8,612,888)

177. Microsoft incorporates by reference its response to each of the foregoing paragraphs as if fully set forth herein.

Microsoft's Alleged Direct Infringement Involving the Microsoft Accused Products

178. Denied.

179. Denied.

180. Denied.

181. Denied.

182. Denied.

183. Denied.

184. Denied.

185. Denied.

186. Denied.

Microsoft's Alleged Induced Infringement Involving the Accused Microsoft Products

187. Microsoft admits that it was aware of the '888 patent in May 2021.

188. Denied.

189. Denied.

190. Denied.

Microsoft's Alleged Induced Infringement Involving the Accused HP Products

191. Microsoft admits that it has been aware of LiTL's Complaint against HP since April 2023. Microsoft denies the remaining allegations of paragraph 191.

192. Denied.

Microsoft's Alleged Contributory Infringement

193. Denied.

194. Denied.

195. Denied.

196. Denied.

197. Microsoft admits that it was aware of the '888 patent in May 2021.

198. Denied.

Microsoft's Alleged Willful Infringement

199. Microsoft admits that it received claim charts from LiTL in May 2021. Microsoft denies the remaining allegations of paragraph 199.

200. Denied.

201. Denied.

202. Denied.

LiTL's Injury Due to Microsoft's Alleged Infringement

203. To the extent this paragraph contains factual allegations, Microsoft denies them.

Microsoft denies that it infringes any of the Asserted Patents.

204. Denied.

205. Denied.

206. Microsoft is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and on that basis denies them. To the extent this paragraph contains legal conclusions, no answer is required.

REQUEST FOR RELIEF

207. Microsoft denies that it infringes any valid and enforceable asserted claim of the Asserted Patents, literally and/or under the doctrine of equivalents, directly, indirectly, and/or by inducement, and denies that importation, sale, or offer for sale of products has been unlawful. Microsoft denies that LiTL is entitled to any relief whatsoever.

DEMAND FOR JURY TRIAL

208. This paragraph sets forth LiTL's demand for a jury trial to which no response is required.

DEFENSES

209. Microsoft hereby asserts the following affirmative and other defenses in response to LiTL's Counterclaims, undertaking the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated herein. Microsoft expressly reserves all affirmative defenses under Rule 8(c) of the Federal Rules of Civil

Procedure, the Patent Laws of the United States, and any other defenses at law and equity that may nor or in the future be available based on discovery or any other factual investigation concerning this case or any related action.

FIRST DEFENSE
(Noninfringement)

210. Microsoft does not infringe and has not infringed, directly, contributorily, or by inducement, any valid and enforceable claims of the Asserted Patents, either literally or under the doctrine of equivalents, willfully or otherwise.

SECOND DEFENSE
(Invalidity)

211. One or more of the claims of the Asserted Patents are invalid for failure to satisfy one or more conditions of patentability set forth in 35 U.S.C. §§ 101, et seq., including but not limited to §§ 101, 102, 103, and 112, the applicable provisions of Title 37 of the Code of Federal Regulations, and judicially created bases for invalidation, such as double patenting. One or more claims of the Asserted Patents are invalid under 35 U.S.C. §§ 102 and 103 because one or more prior art references, including those references listed on the face of the Asserted Patents, either alone or in combination, disclose one or more claims of the Asserted Patents and/or the inventions claimed therein would have been obvious to a person of ordinary skill in the art in view of the prior art, including but not limited to the prior art listed on the face of the Asserted Patents. Additional prior art that invalidates the asserted claims of the Asserted Patents will be set forth in Microsoft's invalidity contentions and any modifications or amendments thereto.

THIRD DEFENSE
(Prosecution History Estoppel)

212. LiTL's claims are barred in whole or in part by reason of prosecution history estoppel, claim vitiation, and/or recapture. For example, LiTL is estopped from construing any

valid claim of the Asserted Patents to be infringed or to have been infringed, either literally or by application of the doctrine of equivalents, by any product made, used, imported, sold, or offered for sale by Microsoft in view of prior art and/or because of admissions, representations, and/or statements made to the Patent Office during prosecution of any application leading to the issuance of the Asserted Patents or any related patent or in any post-issuance proceeding for an Asserted Patent or any related patent, because of disclosures or language in the specifications of the Asserted Patents, and/or because of limitations in the claims of the Asserted Patents.

FOURTH DEFENSE
(Failure to Mark)

213. To the extent that LiTL, its predecessors, or licensees of the Asserted Patents failed to properly mark any relevant products or materials as required by 35 U.S.C. § 287, LiTL's damages are barred, in whole or in part.

FIFTH DEFENSE
(Statutory Limitation on Damages)

214. LiTL's right to seek damages and other remedies from Microsoft is limited by 35 U.S.C. § 286.

SIXTH DEFENSE
(No Injunctive Relief)

215. LiTL's claims for injunctive relief are barred as a matter of law because any alleged injury is not immediate or irreparable, LiTL has an adequate remedy at law for any alleged injury, and/or public policy concerns weigh against injunctive relief in these circumstances.

SEVENTH DEFENSE
(Prosecution Laches)

216. LiTL's claims are barred in whole or in part by the doctrine of prosecution history laches. On information and belief, one or more claims of the Asserted Patents issued only after unreasonable and inexcusable delay in prosecution by the patent applicant.

EIGHTH DEFENSE
(No Costs or Fees)

217. LiTL is precluded from recovering its reasonable attorneys' fees, costs, and/or increased damages under 35 U.S.C. §§ 284 or 285.

NINTH DEFENSE
(Government Sales)

218. LiTL's claims for infringement as they relate to any product manufactured by Microsoft for use by the United States is limited to the rights and remedies set forth in 28 U.S.C. § 1498. LiTL cannot seek damages against Microsoft for any product made for and/or used by the United States government.

TENTH DEFENSE
(No Standing)

219. On information and belief, LiTL's litigation is funded by an undisclosed litigation funding company or companies. On information and belief, the undisclosed third parties will exercise undue influence on these proceedings due to their substantial interest in the outcome of this case. Further, on information and belief, the funding agreement between LiTL and its funders effectively transfers legal interest in this case to the funders, such that LiTL does not have standing to bring this action pursuant to Article III of the United States Constitution.

ELEVENTH DEFENSE
(Laches)

220. LiTL's claims are barred by the doctrine of laches, including its request for injunctive and other equitable relief. On information and belief, LiTL brought its claims against Microsoft after unreasonable delay.

TWELFTH DEFENSE
(Equitable Estoppel)

221. LiTL's claims are barred by the doctrine of equitable estoppel. By remaining silent regarding any alleged infringement for multiple years, LiTL led Microsoft to believe that LiTL did not intend to enforce its patents. Microsoft relied on LiTL's conduct and is materially prejudiced by LiTL's claims.

OF COUNSEL:

PERKINS COIE LLP
Christina J. McCullough
Jassiem Moore
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
(206) 359-8000

Chao (Wendy) Wang
3150 Porter Drive
Palo Alto, CA 94304-1212
(650) 838-4300

Kyle R. Canavera
11452 El Camino Real, Suite 300 San Diego,
CA 92130-2080
(858) 720-5700

Chad Campbell
Elizabeth Baxter
2901 North Central Avenue, Suite 2000
Phoenix, AZ 85012-2788
(602) 351-8000

Dated: December 27, 2023

/s/ Kelly E. Farnan

Kelly E. Farnan (#4395)
RICHARDS LAYTON & FINGER, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7705

*Attorneys for Intervenor-Plaintiff
Microsoft Corporation*